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EXPLORING WOMEN'S RESISTANCE TO LEGAL REMEDIES AGAINST DOMESTIC VIOLENCE IN PAKISTAN

BY

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ABSTRACT

In this research I will explore the variables behind the women's resistance to seek legal remedies against domestic violence in Pakistan. I focus on the experiences of three domestic violence victims and also interviewed a lawyer to trace and understand women's experiences as part of a broader system and structures. I utilize the theory of continuum of violence (Cockburn, 2004) to understand the intertwining of different forms of violence that impact victims and limit their choices and behaviours. Using a qualitative methodology including in-depth semi-structured interviews and a close critical reading of the Punjab Protection of Women against Violence Act of 2016, I argue that the domestic violence victims in Pakistan face physical violence, in addition the justice system and law also perpetuate structural violence that hinders women's way to access justice. These, largely invisible social, legal and cultural pressures, combined with the fear of shame and blame from society and family, lead many victims to suffer in silence. My data analysis and literature research reveals the existence of a continuum of violence that operates on multiple levels from the hidden to the physical (visible) structures of state and family.

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DEDICATION

I dedicate this research to my 15 month old son, and I hope to raise him in a way that can bring a little change within patriarchal society.

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CHAPTER 1: INTRODUCTION:

After I graduated in law, I started practicing as a lawyer in the courts of Pakistan and was also active in advocating for women and informing them about their legal rights on various online platforms. I had a strong belief in laws and the legal justice system until I got married and experienced economic violence from my in-laws. Although I am well conversant with laws and the justice systems and have extensive family support, I remained reluctant to seek legal support due to the social pressures and the fear of damaging my relationship with my husband. Instead of holding the aggressor accountable through legal proceedings, I avoided the violence using informal strategies. After studying for a degree in social sciences, my critical thinking allows me to look more closely at issues concerning the law's implementation, and the various practices of resistance it might face from segments of society. After enrolling in this degree, my ideology regarding and my perspective of the law and its implementation has shifted from seeing the law as a provider of justice to a cause of structural violence. This experience highlights the complexities of the problem of domestic violence and calls for a deeper understanding of the cultural, societal, and structural factors that perpetuate domestic violence in Pakistan and that hold women back from seeking legal remedies against such brutalities.

Domestic violence is a widespread social problem in Pakistan, affecting women of all walks of life of life and from all backgrounds. In Pakistan, it is a pervasive issue, with one study reporting that 90% of women have experienced some form of abuse at the hands of their husbands or his family (Kausar, 2017). Despite the legal enactments in the country, the resistance of women to avail legal remedies in Pakistan is a complex issue that requires a deeper understanding of the cultural, social, and economic factors

that contribute to it. Studies have shown that many women are discouraged from reporting abuse due to social stigma and the belief that domestic violence is a family matter that should be dealt personally within family (Ali & Qazi, 2018). My study builds on these findings, but extends it to argue that there is also a continuum of violence that contributes to women's resistance.

Violence cannot be defined as static; it is subjective and can be perceived differently by each individual. Galtung (1969) expanded the definition of violence by introducing direct (physical) and indirect (cultural, social, economic, and structural) forms of violence. Direct and indirect violence is often seen as part of a continuum because they are interconnected and can lead to one another. A continuum of violence framework emphasizes that violence against women is not an isolated event but rather a continuum of various forms of violence that are interconnected and mutually reinforcing (Kelly, 1988; Cockburn, 2004).

Pakistan is administratively divided into seven units, Islamabad (The capital of the country), Punjab, Sindh, Baluchistan, Khyber Pakhtoon Khaw (KPK), Gilgit Baltistan, and Azad Kashmir. In recent years, the Pakistani government has struggled to enact law for protecting women against domestic violence. The bill is still pending approval in the Senate (upper house of parliament). Despite the failure of the federal capital (Islamabad) to pass a unanimous law on the issue, the provincial government of Sindh became the first to enact legislation when it introduced the Domestic Violence Prevention and Protection Act in 2013. Later provinces of Punjab and Baluchistan also passed legislation to protect women from domestic violence. Among these are the Punjab Protection of Women against Violence Act of 2016 and the

Baluchistan Domestic Violence Prevention and Protection Act of 2014. The other two provinces, KPK and Gilgit Baltistan, are still struggling to pass any laws on the issue of domestic violence. In this research, I will focus only on the law enacted by the province of Punjab, titled the Punjab Protection of Women against Violence Act of 2016 (Act). Although the focus of this research is limited to analysis of the domestic law enacted by Punjab, the women's experiences I added is not restricted/limited to this province.

It is important to mention that none of my participants specifically used the Act to redress domestic violence, nor did they have any awareness or knowledge about the Act. The issue of lack of awareness is interesting because the Act takes responsibility for advertising the law to the general public through various modes. This, however, has not happened, indicating what might be considered the biggest failure on the part of the government. Moreover, I attempted to identify court judgments passed under Act to analyze and see how the court interprets the provisions of Act. However, I was unsuccessful in finding a single reported judgment using the provisions of the Act.[1]

The Punjab assembly passed the Act on 24 February 2016 (Punjab Laws Online, n.d.). Legislation related to women's rights, without doubt, is a vital step toward their protection. The law is the governing force used by states to regulate human actions. The theory of positive law described by Austin (1832) reflects the theme that laws are expressions and commands by political authority, and the command is always backed by sanctions (pp. 6-9). In 1996, Pakistan ratified the 1979 Convention on the

[1] Pakistan law site is a paid database managed and maintained by an organization in Pakistan. The website contains all the reported judgments from across Pakistan.

Elimination of Discrimination against Women (CEDAW), thus it is under an international obligation to make efforts for the enactment of pro-women legislation, which allows them to enjoy the social, public, and private sphere without fear of discrimination and violence (CEDAW, n.d). Enactment of laws is the first step towards change, but such laws need to be effectively implemented. The problem of domestic violence against women is not new to Pakistani society; instead, the prevailing increased ratio is becoming a severe problem.

Yet, despite these legislative attempts to control domestic violence, there is a low ratio of reporting such crimes and ultimately less reliance on the law for redress. In Pakistan, as I will show, domestic violence is further exacerbated by cultural norms that justify violence, such as patriarchal beliefs, lack of awareness and education, and inadequate legal protections for women (Khan et al., 2018). Addressing the issue requires a holistic approach that includes education and awareness-raising, legal and policy reforms, and support services for survivors of violence (Ali et al., 2016). Nevertheless, many victims are unwilling to come forward due to fear of stigma or retaliation, and those who do often face significant barriers to accessing support and justice.

There is much research on domestic violence, forms of domestic violence, factors influencing these acts of violence, and the laws dealing with these crimes. However, there is not a significant body of literature on why women resist taking legal action against domestic violence. My own experience of diversion from a legal course motivates me to explore the insights into why women lack faith in the law. The research aims to show the lived experiences of women victims of domestic violence.

It does not aim to generalize from these experiences; rather, it provides qualitative narrations on the topic. I will focus on four primary research questions:

1- What are the limitations of the text of the Act of 2016?

2- What factors inform women's decision?

3- What are the reasons for lack of reporting of/ legal action against domestic violence and its perpetrators?

4- What are the factors that generate and maintain violence??

The lived experiences of victims will provide a deeper insight into the issue of how the visible and invisible structures create barriers for women to approach legal forums. I argue in the study that there is a continuum of violence perpetuated within the society through culture of shame, blame and honor which is further execrated by the structural violence of legal systems.

In chapter two, I explain the methodology of my study. The third chapter develops a theoretical framework for understanding of domestic violence as the concept of violence as a continuum (Cockburn, 2004). In chapter four, I analyse my interviewees' experiences and discuss the factors impacting the justice system that might hinder women from seeking legal remedies. The fifth chapter critically examines the language of the Act to understand and investigate what the law entails and if it is flawed. The sixth chapter analyses the interviewees' experiences to explore the role of the culture of shaming and blaming victims in a patriarchal context. This chapter identifies family, religion, culture, and society as discouraging contexts that hinder women from seeking legal remedies. The seventh chapter ends with a study conclusion and recommendations for practice and future research.

CHAPTER 2: METHODOLOGY

According to feminist legal philosophers, the legal system's biases are often systemic in nature, rather than arising from the personal biases of individuals. This systemic bias can be difficult to recognize and combat, as it is often normalized and deeply entrenched within the legal system. (Minow 1991; Rhode 1989; MacKinnon 1989).

2.1 Introduction[2]

In this chapter, I will explain the data collection methods of my research. I adopt an interdisciplinary qualitative methodological approach to study the law and its implementation. I collected data using semi-structured in-depth interviews along with discourse analysis of the text of the law and reviewing secondary literature available on the topic. This chapter is divided into three parts; the first part will provide an overview of the interviewing process, transcription, and analysis and briefly introduce my research participants. The second part discuss the methods for analysing text of the Act and third part of the chapter will discuss my positionality and research epistemology that guides my research process.

2.2 Recruitment of Respondent, Interview Process, and Analysis

Finding participants for my research was challenging because of different geographical locations and time differences between the research participants and me. During the data collection I was attending my last semesters courses in Doha, Qatar and my participants were in Pakistan. Before coming to Qatar, I was working as a lawyer and with the help of my former colleagues and friends; I manage to connect

[2] Institutional Review Board (IRB) approval for the data collected through the interview was required and obtained for the ethical issues involved during the interview process (see Appendix 3).

with my research participants. There are a total of four women participants in my research, aged 28-38, comprised of two groups including one lawyer and three victims. All the interviews were conducted over WhatsApp audio calls, and recorded with the prior permission of the participants. I also took notes during the interview process to build new questions from what had been said and to seek clarification on the points raised.

All the participants are citizens of Pakistan and are residents of urban areas with good educational and socio-economic backgrounds. My goal in interviewing women who had suffered domestic abuse was to learn about their personal experiences as well as the tactics they utilized to face and overcome this issue. In particular, I wanted to find out whether they use an agency to fight against domestic violence with or without the help of law. The narrative of the lawyer is added to understand the law, court procedure and justice system. The interviews with the victims were conducted in Urdu and later translated and transcribed into English. However, the lawyer shared their narrative in English. The semi-structured interview lasted between one and half to two hours and progressed with more general lived experiences of women's lives. I started my discussion with basic questions to familiarize myself with the participants, and let them feel comfortable answering my questions. After the transcription process, I found that a few areas that required further elaboration by the participants, so I arranged a follow-up interview with two of my research participants. To protect my research participant's anonymity, I refer to them by pseudonyms.

It is essential to highlight that I have known three of my research participants informally for few years in different capacities and have gained some of their trust.

The fact that I have also suffered violence and am from Pakistan gave me a link to connect with them. I believe that being married is also an advantage for me, which allows the victim to share the stereotypical behaviours women experience within marriage. As a result, we had a comparatively responsive and open discussion regarding their personal experiences. For some, the relatively small sample size of my study, which includes only four women, may represent a problem. However, the study's primary focus is to explore women's lived experiences without generalizing from their experiences and consider why they resist taking legal remedies against domestic violence, and to create a corpus for future researchers. These four experiences are not representative of all Pakistani women. As my research explores why women do not come to court for remedies against domestic violence, I adopt a feminist standpoint epistemology to understand the phenomenon through the experiences of oppressed women. The principle of standpoint focuses on understanding the variances that exist between women. Women are not a homogenous marginalized group, but there are different levels of marginalization among women that demands an understanding of intersectionality. Every woman's experience of violence is different, and thus required to respect the differences in the individual case (Hunter, 2006, p.774). I tried not to interject my research agenda and listen to the stories. However, I used the "probing" technique to engage more with the participant and continue discussing the topic (Hesse- Biber, 2007).

My analysis of these interviews included reading the transcriptions multiple times to develop and identify the themes that emerged in my interviewee's narratives. I then used those themes in my writing by connecting them with secondary sources.

2.3 Introduction of Research Participants

This section is a brief introduction to my research participant's to acquaint readers with the diverse experiences of each participant. The participant's experiences and perspectives are the integral part of the research findings and provide valuable insights.

Rabia is the sister of an old school friend, and I met her back in 2016 during my court practice as a lawyer. She is 35, divorced, and works in a private school as a Montessori teacher. She has a nine-year-old daughter from her broken marriage, which she takes care of alone. She did not use the 2016 Act for exiting domestic violence; instead, her court experience involved her other two on-going cases of maintenance for her daughter and recovery of her dowry against her ex-husband. She initiated her cases in 2014 and is still awaiting justice. She resides in Islamabad city, whereas her ex-husband resides in Karachi city. She belongs to an upper-middle-class family, and her family has been quite supportive throughout her journey in battling violence and with the court processes.

Hafsa: I first met Hafsa at the student dorms in Education City and later contacted her for an interview. Hafsa is 28 years old, the mother of an 18-month-old son, and living with her in-laws in Pakistan within a multigenerational house setting. She receives psychological violence from her in-laws and fears that any action against them could break her marital home, thus she suffers silently.

Gull: Gull is 36, with a daughter aged 17 months and lives independently. Her husband is physically violent with her and a drug addict. Gull herself was a practicing lawyer before her love marriage with her husband. Gull encounters intimidation death

threats, and the fear of losing custody of her daughter in case of seeking a divorce. I interviewed her twice. During my first interview, she was abducted by her husband in his village. During the second conversation, she managed to come out of the house with the help of the Lawyer Association. She is now living alone with her daughter. I connected to Gull through one of my former lawyer colleagues.

Nafeesa: Nafeesa is a lawyer and my former senior, with whom I started my initial days of practice at the district courts. She has almost 13 years of experience handling family cases involving violence.

2.4 Critical Reading of Domestic Violence Law

In addition to the interviews, my study also involves the critical reading of the domestic violence law enacted by Punjab, Pakistan, titled: The Punjab Protection of Women against Violence Act, 2016 (Act). I was able to access the Act from the Punjab Assembly website.[3] The Act consists of 31 sections that define various terminologies, explain how the victim can initiate proceedings, and set out the processes of law which provide relief. I critically engage with the text of the law to understand how it discriminates against women and to see what factors impact women's choices to seek remedy under law. The text is analyzed to compare the law with women's lived experiences and to identify any discrepancies that might exist between the law as text and the law as practice, i.e. the way the law is read, interpreted and practiced by various actors. This will reveal the shortcomings in its implementation.

[3] http://punjablaws.gov.pk/laws/2634.html

Rubin (1997), while using the autopoietic theory of law, highlighted the requirement of adopting diverse methodological approaches, particularly in the social sciences, to provide an understanding of the factors that act upon the legal system and the impact of legal decisions.[4] Smart (1995) consider the law as a robust discourse as it claims truth and is later used to quiet women (who encounter the law) and feminists (who challenge the law) (p.71). Lewis et al. (2000) showed three varied perspectives regarding the law, i.e., deterrence, reform and rehabilitation, and the criminal law sceptic. These three perspectives allows me to explore the question of what women need from the law, which allows me to explore how women define scales of justice. The women's experiences with the law are sometimes different. Thus I am cautious that the interviewee's experiences are not used to generalize the ideas about the law.

2.5 Positionality

A number of factors produce my positionally. Not only am I a married woman, a Pakistani national and Urdu speaker, and a victim/survivor of domestic violence, but I am also law graduate and practicing lawyer for almost eight years which enables me to have access to potential interviewees and assume an "insider" position (Altorki & El Solh, 1988). However, I only partially consider myself an "insider" because of the privilege of having prior experience in the field of law, holding an Islamabad High Court Bar License, and having a position of authority as a researcher. I have prior informal infrequent connections with some of my interview participants, and my previous background as a lawyer helped me build rapport among my interview

[4] Autopoietic is a theory used by legal philosopher to critique various aspects of legal system, including role of judges etc. This theory mainly reflects on the ideas that legal system is generating its own norms, rules, and procedures, without relying on external sources of authority.

participants. During my data collection process throughout the interview, I remain aware that, as Stacey (1991) suggests, closeness can create the illusion that there is no authority and power. As a researcher, however, I have the authority to add to and interpret their voices. I paid attention to what Devault (2004) called the "muted" languages of the participant through which they want to say the unsaid facts. Devault (2004) suggests we should consider the timid language and phrases like "you know" within the participant stories (p.132). During my interview process, the participants used words like "you know" multiple times, which reflects that they assume I am aware of their experience of being a married Pakistani woman that has encountered domestic violence.

Fathi Massoud (2022) mentioned that feminist legal scholars have argued that it is fundamental to consider how the standpoint of a researcher who belongs to an underprivileged group affects their methods of examining the systemic inequalities in the law (p. 67). He also pointed out the significant role of positionality in understanding how the data was gathered, and how connectivity and credibility was established (p.68). My study has a "personal connection" with the participants, and later this connection might stretch to a few of my readers. Many feminist legal anthropologists emphasizes their positionality by drawing on personal experiences which afford them a particular intellectual, professional and personal authority (Hirsch, 2008; Hoffman, 2007). In her article about qualitative research, Hoffman writes how a "personal connection" with an interviewee can help establish trust and credibility (2007). The socio-legal combination allows me to form multiple connections. Many factors such as my personal domestic violence experience, being Pakistani with good educational and economic background with legal knowledge

connects me with my research participants. I also acknowledge the potential suspicion of my authoritative position, where I am no longer suffering from domestic violence, and that my position flips between both as an “insider” and an “outsider,” I still viewed my role not as detached from my participant’s evolving dialogue.

CHAPTER 3: THEORETICAL FRAMEWORK: CONTINUUM OF VIOLENCE

3.1 Introduction

Before starting a discussion on why women resist legal remedies against domestic violence, it is essential to deconstruct the notion of violence. This chapter outlines my theoretical framework to explore how violence is conceptualized by different authors specifically in-relation to the continuum of violence. I will start with discussing the notion of control via coercion discussed by Stark (2007) and further utilized by K.Gill et al. (2016) as to denote a process of domination and subordination. I then use the definition and forms of violence narrated by Galtung (1996) to differentiate between direct (physical) and indirect (structural and cultural) violence. He claims that violence occurs when people are influenced in such a way that their bodily and mental capacities are harmed. The concepts of violence will then be viewed as a continuous process initially articulated by Liz Kelly (1987) and extended by Cynthia Cockburn (2004) as continuum. Furthermore, I will connect the concepts of the continuum with the framework of femicide explained by Shalhoub-Kevorkian (2003), where she extends the notion of femicide from actual killing to a constant threat to the victim that put her in the continuous fear and ultimately within violence.

3.2 Concepts of Coercive Control, Power, and Domination

Domestic violence feminism ideas highlight that the interaction between victims and offenders, as well as gender and power imbalance, is the primary cause of many types of violence against women. (Myhill & Allen, 2002; McPhail, Busch, Kulkani & Rice, 2007; Pyles & Postmus, 2004). The relationship between patriarchy where man is

considered superior and authoritative over women specifically with Pakistani context, and the structures of coercive control, power and domination can be viewed as cause of domestic violence. In chapter 6, I have discuss in detail the phenomenon of patriarchy, arguing that patriarchy is the root cause of all sorts of violence against women; the ways this patriarchal setup is maintained within society are often by "strategic use of power and control" (Tracy, 2007, p.7). Other classic feminists like Brown miller (2005), while discussing the violence of rape do not implicitly use the word patriarchy but link male power and domination in rape cases as conscious processes, utilized by men to keep the women in a submissive position..

In violence relating to domestic settings, the "perpetrator is usually male", whereas the "victims are female" (Dobash & Dobash, 1992; Walby & Towers, 2018). One of the main elements in the definitions of domestic violence is "coercive and controlling behaviour" (Ganley, 2009, p. 61 ; Hegarty et al, 2000, p.363). While highlighting the gendered nature of violence, Stark (2007) states that because of the stereotypical default roles of females as mothers and homemakers, women are predominantly the victims of domestic abuse, as they assert less economic power and control. The main idea about domestic violence, according to Stark (2009), is about "coercive control", not violence and he argues that the key strategy used by men to subordinate women is coercive control.

Walby et al. (2017) argue that domestic abuse should not be understood solely as repetition of actions against same victim. The authors dismissed the traditional approach of one victim, one perpetrator and one event assumption, arguing that there are multiple other factors that intertwined and cause violence thus important to

consider the issue of “temporality”. Further, he discusses that the temporality is both continuous (the harm persist over time) and episodic (actions are events) (p.98). While debating on the issues of domestic abuse, the state’s role in maintaining and re-enforcing these power hierarchies need exploration. The state has an obligation to safeguard its citizens without discrimination. While it ignores to implement laws by allocating in-sufficient funds. The theoretical framework proposed by Stark (2007, 2010) is based on the ideas of gender inequalities. This approach of gender inequality which exacerbates notions of power and control through coercion or other means gives me a lens to understand the phenomenon of violence beyond physical harm. .

Stark (2013) defines coercive control as “A strategic course of self-interested behavior designed to secure and expand gender-based privileged by establishing a regime of domination in personal life” (p.19). Stark (2007) has broadened the canvas to think about unidentified forms of suppression as a pattern of "coercive control" concerning domestic violence. It is not only the physical act that constitutes an act of violence, but a series of non-physical acts together which constitute a pattern of abuse (Dobash et al., 1992). The women’s fear and reluctance to avail legal course require studying the concepts of domestic violence in relation to factors of power and coercive control. Bagshaw (2011) highlights the binaries of gender and power. The construction of gender to her, i.e., masculinities and femininities, is a social construct. She argues that in a domestic setting, it is important to consider and emphasis more on the forces of power and control rather solely on gender. While focusing on the types of violence, Bagshaw pointed out that power and control are not limited to physical forms; instead, series of acts, like social isolation, neglect, and abuse also significant to consider and pay attention to. Bagshaw also highlighted the controlling

patterns of society (indirect violence), in the form of shaming victims and family for standing against violence. (p.2).

The theoretical framework of Stark's coercive control reflects on the patterns of seen or unseen repetitive prolonged actions, which might occur without physical violence. Thus violence is a continuous process and not a single course of conduct.

3.3 Galtung's Framework of Visible and Invisible Violence:

Galtung's (1969) broader definition and discussion on violence rejects the idea that violence is something related to somatic incapacitation only, showed that violence needs understanding beyond physical forms. His comprehensive approach to violence helps me build my argument on how domestic violence is not only direct (physical) but also shaped through indirect (cultural, emotional and economic) factors. He argues that violence needs not to be physical to have material (p.171). Galtung suggest that violence as English sentence structured consist of action, subject and object. He propose that the action in the structure is the process of harm, the subject is a thing or a person causing harm and the object is the person or thing experiencing harm. He proposes that violence exists and persist even if the sequence of subject, object and action is truncated . I argue that victims of domestic violence are trapped into multi-layer and various forms of violence and there are numerous hidden (for example in-effective implementation if laws) factors which are hard to identify. Moreover all these factors are working hand-in-hand.

Galtung, considers violence as a phenomenon of power dynamic, where people are "being influenced". It is significant to consider that direct and indirect violence often

occur concurrently, and it is hard to measure which type of violence causes more harm (Galtung, 1969). To understand violence as continuum is to understand how a culture systematically normalizes structural violence. The issue of domestic violence can better understood as mix of physical, structural, and cultural violence. Further, the external factors like hegemonic religious approaches, social gender constructions, and patriarchal state structures, through legal codes, maintain and reinforce women's subordination and oppression. The concept of direct and indirect violence by Galtung and the discussion of gendered hierarchies and power and control by Stark (2007) provides a lens with which to investigate the hidden, indirect forms of violence, and address the process of violence as continuous and not a single event which impact the women's experiences.

3.4 Continuum of Violence and the Concepts of Femicide

The continuum of violence is a fundamental link between various sorts of violence, ranging from small acts of personal violence to large-scale institutional violence (Bayard de Volo and Hall, 2015; Alden, 2010). While discussing the analogy of coercive control, Stark highlighted that the abuse by the perpetrator towards the victim is a daily routine activity (2013). However, the context of how the violence was initiated reflects the idea that it is not a sudden violent act by the perpetrator but rather a sequel of previous behavior. Kelly (1987) while using the meaning of "continuum" provided in Oxford English Dictionary, talks about sexual violence in two aspects; one, as common character that underline different events- which in cases of violence is the variety of men's behaviour to control women. The second aspect that she talks about is the continuous events that pass into one another, and cannot be

separated- which enable the naming of range of abuse (p.48). Kelly (1987) describes the subjectivity of sexual violence against women, and suggests that the existence of continuum is not easily distinguishable and women may share different definition of a particular incident. (p.52). Kelly's framework, in connection to the Coercive control and power structure, and direct and indirect violence will enabled me to explore the brutalities in which women are been confined through indirect continuous structures of violence.

According to feminist peace study, violence is not an isolated act, but rather an expression of structural injustice and gendered power dynamics (Braithwaite and D'Costa, 2018). Cockburn (2004), for example, defines the violence continuum as a time-based one, with the line of continuity running between moments of peace and conflict (pre-war, war-fighting, peace-making, and post-war). The phrase "everyday violence" in a domestic environment refers to "invisible" kinds of violence that occur in households and in everyday life (Scheper-Hughes and Philippe, 2004). The continuum, according to this viewpoint, allows for a study of the cyclical nature of patriarchal violence, establishing links between various forms and expressions of gendered dominance over and above women. Cockburn (2004) contends that "far before a male commits physical violence against a woman, she may experience "structural violence" in a marriage in which her spouse or a limiting patriarchal culture maintains authority over her. Structural violence may relate to injustice that is so life-threatening that outbreaks of physical resistance appear appropriate." (p.30). As a result, it is critical to situate domestic violence within a larger framework. Cockburn uses the term "continuum" in a broader sense to make a link between military violence and interpersonal violence, claiming that even violent actions in

which women are not direct victims are obviously gendered and depend on particular conceptions of masculinity and male domination. According to her: "although there are different inflections from culture to culture, a difference between men and women, in two senses, is normally highlighted" (p.27). Cockburn (2004) acknowledges that geography and place (where the violence occurs), size (how the violence is inflicted: by person or weapon), and kind (how it manifests: direct or indirect, cultural or institutional) all interrupt the continuum. These are crucial enhancements to Kelly's conception since they broaden the theorization to account for the influence of where violence occurs. Not only are the physical settings of individual acts of violence, such as the home or the street, important, but so are the geopolitical locations of gendered forms of violence. Furthermore, a gendered approach necessitates a focus on social and structural disparities (Andra et al, 2020).

Feminist scholars use the concepts of femicide to elaborate on the actual killing/ homicide of women (Faqir, 2001). According to Shalhoub-Kevorkian, the concept of femicide needs re-examination and conceptualization. Although her study focused on femicide in the context of Palestinian society, her interpretations of what should be considered femicide are interesting to incorporate in my study to see how the process of continuum violence impacts women's lives regarding the concepts of life. Shalhoub Kevorkian"s (2003) understanding of femicide is not limited to the inability to breathe, but rather the inability to live (p.581). The term also proposed the victim's failure to "live" (p.600), as perceived through the victims' lived experiences, social institutions (extended and nuclear family and society), organizational structures (tribe laws and codes, cultural practices, and formal legal processes) (p.601).

3.5 Conclusion

This chapter explains violence as a continuum, and not as a discrete event. The scholars describe the concept of violence differently by focusing on a variety of factors leading to violence against women. The concepts of coercive control and power can be considered as one of an on-going invisible process which leads to physical violence. These patterns of control and power also construct gender binaries, which are essential to consider while focusing on the issues of domestic violence. Galtung's broader definition narrates the understanding of violence beyond physical by highlighting on the indirect (in-visible) forms of violence, which also reflects on the idea of violence as a continuum. The feminist theories of continuum shed light on importance of considering "everyday behaviour" and ""structural violence" that women face during peace and war time. These broader considerations of violence as continuum also suggests a new understanding of femicide, where the notion of femicide is extended from actual killing to a constant threat to the victim that places her within a continuum of fear and ultimately violence.

CHAPTER 4: THE JUSTICE SYSTEM AND IT"S GATEKEEPERS

4.1 Introduction: Analysing the Justice System

"When I started working as a police officer, I was shocked to see the deep-rooted bias of a patriarchal police force. The criminal justice system is discriminatory, and also stigmatizes victims of violence and does not provide efficient support for them" (Watanabe, 2021).

In this chapter, I will discuss the essential structures of the justice system in Pakistan and analyse how they impact on the justice system. There are various institutions for law enforcement (police, executive, and judiciary forces, including judges and the lawyers) that collectively form justice system, While there are civil, family and criminal justice systems, this study focuses on the Act of 2016 from the perspective of the civil justice. This thesis uses the term "justice system" to refer to the civil justice system. Understanding the phenomenon of restricted women's access to justice needs insights into how those laws are practised and how the justice system functions.
The justice system in Pakistan can be characterized as formal (Civil Courts and Family courts) and informal (village council, traditionally known as *Panchayat*, tribal council traditionally known as *Jirgah*, and informal family settings of elderly to resolve the issue). This chapter traces the challenges women encounter in the justice system at multiple levels, from when they face domestic violence to when they approach the formal legal system. Examining women's lived experiences suggests that their access to justice is restricted by various factors – i.e delayed court proceedings, brutalities of police, and other legal barriers – which create structural invisible forms of violence.

First, the chapter will analyze the problematic matter of lengthy court proceedings before turning to discussing economic factors which limit victim's legal access and choices. I also discuss the problem of other competing laws that victims can choose over the Act. Secondly, I will examine the role of policepolice. Thirdly, I will consider the factor of awareness of laws and legal remedies amongst the victims, with a particular focus on the difference that it induces in women's life. The narrative analysis will align with the theoretical framework and methodology developed in the preceding chapters to relate to structural violence and the continuity of violence.

4.2 Time and Money: "Law Is Sold"

The primary difficulty within the justice system is that it demands ample time to attend court hearings and requires high economic investment in the form of legal fees. Delayed justice has a social and psychological impact on the victim's justice, as litigant suffers financial, mental, and psychological trauma. Delayed justice also undermines the people's trust in the judiciary system. One of my interviewees, Rabia stresses, the misery of being trapped in long legal proceedings. After her divorce, Rabia filed two separate cases: one for the recovery of her dowry articles from her ex-husband's home, and the other for the maintenance of her daughter. Rabia describes the long battle for her rights in the following words:

> said: "initially, when I was filing the cases, the lawyer told me that it would take only three months to conclude the trials. I was very hopeful. However, then you see – this all started in 2014, and now it is 2023; my cases are still pending in court. Moreover, he [ex-husband] had never shown in the court (Author Interview, Rabia, 2023).

She observes the deliberate nature of the extended process: "One thing I have experienced is that it seems that the court system is meant to delay the process and is very much flawed" (Author Interview, Rabia, 2023). case load on the courts, frequent

transfer of judges from one court to another, undue adjournments given by judges on the absence of defendant party or its counsel, and lack of trained judges to decide the case in timely manner. Recent studies identify these issues as few of the barriers in dispensing speedy justice (Bilal & Khokhar, 2021). The issue of prolonged court proceeding is one of factor that impede the victim choice to avail legal action against the aggressor.

Section 4 sub-section 4 of the Act stipulates 90-daydays time to conclude the domestic violence complaints (Act XVI, 2016). During my discussion of the timeframe delays with Nafeesa, who is a practising lawyer, she emphasize the fact that people coming to court should remember that courts are overburdened with thousands of cases (*Interview with Nafeesa*, 2023). This observation shows that even though the law stipulates a specific timeframe to conclude the case, in practice, the workload of a particular court leads to inevitable delays. Nafeesa explains:

> It [court proceeding] is a lengthy process, to which there is no shortcut. The proceeding includes noticing the defendant, inquiry, recording of evidence, and it [court] has to account for so many things when they [judges] are deciding and punishing somebody (Author Interview, Nafeesa, 2023).

Although the Act mention the time-frame of 90 days to conclude the trial, but failure to adhere and extending the process beyond the stipulated time cause indirect violence. Galtung (1996) demonstrated that "violence is ingrained into the structure and manifests as unequal power and, as a result, unequal life chances" (p.171).

Maria, who is trying to escape from the custody of her violent husband explains that she is looking for alternative options because the latter takes too long to provide justice (*Interview with Maria,* 2023). The court process should indeed rely on the two

legal maxims: “Justice delayed is justice denied,” and “Justice hurried is justice buried”, the court should not procrastinate or take rushed decisions while ignoring important facts (Bilal & Khokhar, 2021).

My interviewees confirm the general presumption that justice system requires good financial resources. Hafsa, shared her thoughts on why women do not opt for legal remedies, states:

"In our country, the law is sold. If I have less financial means, I will hire a cheap lawyer, and the other party might have better finances and can hire a more influential lawyer, who might bribe my lawyer, the judge, or the police. From the money he can bring fake witnesses. People do not have enough money to buy food; do you think they can afford the court and legal expenses? (Author Interview, Hafsa, 2023).

Rabia, who is still embroiled in the court proceedings, provides the testimony to the vast expenses:

> "I am a Montessori teacher; almost half of what I earn is spent on the court proceedings. With every passing day, things are getting tougher for me. Even after almost nine years, I am still suffering. The suffering is no less than staying in a violent marriage (Author Interview, Rabia, 2023).

The court and lawyers are often seen as mediators who try to settle the dispute rather than render justice. During my interview with Nafeesa, who is working as a lawyer, she says that when her clients complain of violence and request to take them out of the relationship, she always replies that “breaking the marriage or relationship should not be their first priority – I tell people that I can do your counselling” (Author Interview, Nafeesa, 2023). She argues that people often struggle to distinguish between violence and being stressed out or burned out; in her opinion, it is always better to try and “figure things out” before initiating legal fight. However, this narrative gives me an impression of “sorting the things out” through informal ways which prevent the victim’s access to the court.

My interviewee's experiences and doubts about the court processes highlight violence as a structure which is a continuum. Galtung (1969) talked about structural violence by giving an example of the '"stick or carrot strategy", where the violence is not committed by a person and is hard to track to one particular actor. He states that this structural violence is sometimes termed a social injustice (p.171). At the same time, participants' narratives echo the existence of a continuum of violence. While examining the narratives of my interviewees through the lens of the existing scholarly literature, the victims who choose to enter the system to avail legal remedy are caught into the lengthy court procedures, along with the requirement of financial investment. The delayed court process is enforcing structural violence and creating a continuum.

4.3 Multiple Legal Systems

The issue of violence against women can be dealt with using multiple alternative remedies available under the law. For example, to escape a violent relationship, female victims can initiate divorce proceedings of *khula* under the *Muslim Family Law Ordinance 1961* (Law No. VIII, Section 7). Nafeesa identifies the problem of the multiple legal ways of escaping domestic violence which are available to women, and concludes that a victim always goes for the shortest available remedies, which is divorce, because it has no evidence and summary proceedings, you go to the court and say that I am not happy in my marriage, and the court will grant you *khula* (*Interview with Nafeesa,* 2023). I feel that generalizing the victim's resistance and adaptability of the shortest remedy can be dangerous because it conceals the other factors influencing the victim's choice. It is important to examine that victims of a violent relationship tend to dismiss the idea of relying on the formal legal process and favour informal strategies.

Maria spells out her decision to seek police help in the following way: “I need to get rid of this man [husband]. I will use my resources from Bar [Lawyers association], human rights organizations and not through court, as it is not quick and speedy” (Author Interview Maria, 2023). Because of multiple laws confuse women who then opt for an easy remedy available to them. The state, through numerous legal rules, creates structural obstacles and enforces violence within and outside of justice system.

4.4 Role of Police

Maria’s experience exemplifies the role of police under the circumstances. Willing to escape her violent husband while stuck at his village home, she called the police for help. The following is her account of dialling 15 Helpline, the nationwide emergency police helpline number. According to the law, the police have to take immediate action following a complaint.

> “I had contacted 15 helpline twice, but they [police], instead of visiting the home and rescuing me, made calls to my husband, because this is a small village and they [police] know him [husband]. They [police] called me back and suggested not to ruin his [husband’s] reputation; they [in-laws] are respectable people, and if he [husband] is doing violence, why didn’t he snatch the phone from you? They [police] give me ironic logic (Author Interview, Maria, 2023).

At another point during the interview, she reveals that calling for help provoked further violence against her: “As I am in their [husband and in-laws] village, I found no remedy, and the police are also not supportive […] The first time I called the police since then, he [husband] started beating me, and now I often face physical torture from him (Author Interview, Maria, 2023).

Maria's testimony exemplifies the role of the justice system in enforcing gender control. The role of the police and the need to sensitize the issues relating to women is debated by various scholars. Several studies discuss the obstacles within the justice system. According to Hussain (2006), for instance, the public perceives the police as dishonest: typically, people believe that drop charges by taking bribe. Furthermore, there are stories about police officers assaulting women who come to a police station to complain about domestic violence: they are reported to humiliate, discourage, frighten, or collect bribes from the victims. For this reason, women do not report their ordeal to the authorities (p.234). The police play a crucial role in the justice system. The Act does not require the victim to report the violence directly to the police. However, due to a lack of awareness, the victim often tries to reach out to the police. Except for one interviewee, all of the others never interacted with the police, but they somehow brought it in the discussion.

By interviewees, my analysis suggests that the perceived biased behaviour of police towards women may discourage them from pursuing legal help.. Additionally, the corrupt practices of police can support structural violence that perpetuates a continuum of violence against women.

4.5 Lack of Awareness about Laws and Justice System

Rabia, who divorced her abusive husband, regrets her earlier limited knowledge of the law: "I was not aware of any single remedy or law. I wish I would have known the laws before, and then I must have reported the abuse" (Author Interview,Rabia, 2023).

The Act, in sections 3(d) and (e), emphasizes the mechanism for the publicity, sensitization, and awareness of legal remedies against domestic violence. While interviewing my research participants I have come across two different stances. Firstly, the women are not very aware of the law and have limited knowledge of what remedies are available. The other thing is that even if they were aware of the laws they least intent to avail the law as their first priority against domestic violence. Thus, significance of being aware or otherwise does not impact victims' choices about accessing the legal system. Manjoo (2012) observed the lack of access to information as a significant way to maintain gendered hierarchies.

Hafsa, still living with the perpetrators, had minimal knowledge about the law and its practice and implementation. During my conversation with her she says: "I do not know about the law. I do not know how to take legal action against any wrong. I know a little about divorce, and not exactly what law says about it" (Author Interview, Hafsa, 2023). At the same time, Maria, a lawyer who knows the laws well, rejects seeking relief from the court: She states: "Being a lawyer, it is not difficult for me to initiate court proceedings and litigation, but I do not trust the law and legal system. In the legal system, "might is right" (Author Interview, Maria, 2023). This testimony shows that knowing the law or legal system does not make any difference: in fact, it appears to create difficulties. Several studies on the Pakistani laws and legal system highlight the importance of awareness in bringing change (Pakeeza, 2015; Malik, 2022; Habiba, Ashfaq & Ali, 2016; Zafar, Shabbir ch & Batool, 2019). During the interview, I asked Hafsa whether she would have (hypothetically) pursued legal proceedings if she had been aware of the law. She replied: "I think even if I would have known about laws, I would never opt for them, even in the future, I would not go

for legal redressal for any of my issues because once you spattered mud, you will get dirty yourself" (Author Interview, Hafsa, 2023).

Hafsa agrees that awareness is important; however, she also stresses that it is important how women learn about the law: "It is essential to educate women on the state level; we are getting broken knowledge about the law and how it[court] treats women. I think media can be used as a positive tool to spread awareness. Nowadays, how they [media] project domestic issues reinforces the existing ideas of suppressed women" (*Interview with Hafsa*, 2023).

4.6 Conclusion

The journey of women who seek legal remedy is coupled with many difficulties. My interview data shows that the structural barriers and the culturally prevailing beliefs about the legal challenges tend to discourage women from availing legal action against violence. The victims are trapped into prolonged legal proceedings. The attitude of police officers, and the challenges of navigating different legal systems, along with significant lack of awareness about the laws on domestic violence create a continuum of violence, visible (police brutality, long court processes) and invisible (lack of knowledge about laws)forms. The psychological and financial burden of the lengthy court proceedings multiply the level of trauma that victims has to go through prior to initiating the process. Victims tend to seek more straight forward solutions (typically, through *khula*), for avoiding troubles of court hustle. Some evidence, for instance, Maria's story shows the patriarchal mindset of police officers, which take the side of the (male) perpetrator instead of implementing the law. This examination highlights invisible factors that control and keep women in the trap of continuing

violence. Even when aware of the law and judicial system, a victim cannot self-represent in the court. The fact that the victim is not an expert of law, and thus requires a lawyer to defend her in court. In short victim's lack of knowledge might equates to a lack of access to justice.

CHAPTER 5: AN ANALYSIS OF THE PUNJAB PROTECTION OF WOMEN AGAINST VIOLENCE ACT, 2016:

5.1 Introduction:

Laws are social constructs (Warrick, 2005), and at the same time, the law has the power to bring systematic reform within society. The law helps to build a narrative about certain wrong practices and open space for future legal interventions (Qureshi, 2012, p. 208). This chapter attempts to analyse the text of the law to explore the shortfalls and highlight the flaws of the law that bar women's access to courts in their fight against domestic violence. To explore the main research question of my study regarding why women avoid taking legal remedy against domestic violence crimes, it is essential to review the text of the 2016 Act to find out if the law had some gaps or flaws reflected in its language.

Women's legislations have great importance in Pakistani law. Such efforts show that besides men, women also have their place, respect, and dignity in society. The 1973 Constitution of Pakistan also guarantees the protection of men and women without gender discrimination (Mushtaq et al., 2013). The Act is a progressive attempt to protect women from the complex crisis they face in their surroundings (Munshey, 2016). In legal research, analyzing the text of the law is the first methodological approach to understand the language (Christensen, 2007). While writing this chapter, I am aware of the difficulty that legal texts cannot be assumed to have one “objective” meaning; rather, meaning in fact is created by interpreter (White, 1982). .

The following chapter, while analysing the structure and provisions of the Act, will try to understand what the Act entails and what shortcomings might discourage

victims from seeking legal recourse. I was fortunate to have prior legal job experience, which aided in the development of my legal reading skills, notably in terms of word recognition, text structure, grammatical knowledge, and reading techniques (Christensen, 2007, p. 606).

This chapter is divided into four parts. In the first part, I briefly discuss the overview and structure of the Act. The second part analyses the preamble, scope and definition section. The third part of the chapter focuses on the ways that allow the victim to file the complaint. The last part of the chapter comprises of the analysis of the mechanism of protection and legal aid provided under the Act to the victims, which includes the government liabilities and executive duties. I argue that the language of the Act is flawed and fails to elaborate key terminologies, along with having inconsistent procedures, which creates structural barriers for victims to avail remedies under the Act.

5.2 An Overview of the Act, 2016

The Act, consists of 31 sections, including definitions of essential terms, the procedure for filing the complaint, and the penalties imposed on the defendant. The preamble defines the purpose of the Act. The Act aims to relieve the violence and help the victims recover from its aftermath. It elaborates on the procedure for how the complaint reaches the court and the powers of the court concerning interim orders, protection orders, residence orders, and monetary orders. The time duration for each step is mentioned from filing the complaint to the expedition of the same. According to the Act it will also be the government's duty to establish protection centres and shelter homes for the victims. The government will appoint women protection officers for each district. The functions of the women protection officer are clearly defined

under this Act. Assistance about health or law will also be provided to the victim on request and when required (CSRS brief).

Different penalties are found in the case of obstructing a protection officer from performing her duty. It is suggested that the penalty for filing a false complaint and for breach of orders is strictly observed. The government will be responsible for training the employees to perform their duty under the women's protection act. To carry out the purpose of the act government will establish the rules for further proceeding in response to complaints.

5.3 Analysis of Preamble and Definition Section

5.3.1 Analysis of Preamble

The preamble of the Act focusses on the "protection, relief, and rehabilitation of women against violence" (see preamble Appendix 1). The literary analysis suggests that the preface will provide a wholesome mechanism to combat violence against women. Further, the Act's primary purpose is not restricted to domestic violence crimes; rather, it is extended to all violence against women (VAWC, 2016).

5.3.2 Analysis of Scope

Section 1 defines the title and talks about the territorial limits/ jurisdiction of the Act. Sub-section 3 requires notification for its effective implementation by different areas of Punjab and states that "shall come into force……..as the government may, by notification, specify" (See. S.1 Appendix 1). This criterion of notification for effectiveness of the Act creates a problem. Punjab is one of the largest provinces in population and the second largest in area (Sawe, 2019). The whole province of Punjab

is divided into thirty-six districts, further divided into multiple divisions (Punjab Province, , n.d.). The language of the section implies that the law will have no effect unless the specific district notifies the effective date in the provincial gazette. According to the records, the Punjab government has recently issued a notification dated 18 November 2022, stating that the Act will be applicable and enforced for the whole of Punjab with immediate effect (News Desk, 2022). Previously, only the district Multan of the Province had notified the Act in the gazette. Although the Act is officially implemented across Punjab, the reality on the ground is that only Multan has fulfilled the pre-requisite of the law and inaugurated a women's protection centre and shelter house in March 2017 (VAWC,2016). The ground realities also show that only Multan district has notified two judges to hear the complaints under the Act (Punjab Women Protection Authority, n.d). While considering the broader protection system provided by the Act, notifying the family courts to hear matters falling under the Act and establishing the women's shelter house are significant to the effective implementation of the Act. After almost six years, the establishment of only one such centre within the province and notification of two judges raises questions on how the government will facilitate the victims who want to come forward to use the law from areas other than the Multan district.

5.3.3 Analysis of Definition Section

The definition clause of any Act is the fundamental essence, as it elaborates and helps the readers to familiarize themselves with the important terminologies. Section 2 of the Act consists of nineteen (19) sub-clauses defining the terms used in the Act. The law in section 2(d) empowered family courts to hear the matter relating to the Act (See section 2 (d), Appendix 1). As the family court has the jurisdiction to take

cognizance, the legislature excludes the acts of violence under from the ambit of criminal proceedings (VAWC report). It is important to note that the family courts are established and governed under the Family Courts Act, 1964. The Family Courts Act in its Schedule-I provides a list of matters that the family court has exclusive jurisdiction to entertain and adjudicate (See schedule I, Appendix 2). The relevant Part-I of the Schedule does not include the acts of violence as mentioned in the Act, which means that the courts will have no power to try the cases until a specific amendment is brought in the Family Courts Act, 1964.

Section 2 in its sub-section (r) and (h) defines violence and domestic violence respectively. The sub-section explains what constitute economic and psychological violence. While describing "economic abuse" means the defendant denying the aggrieved person food, clothing, and shelter in a domestic relationship based on the defendant's income or taking away the aggrieved person's income without her agreement (See Section 2(r)(h), Appendix 1). The Act here fails to consider stopping someone from reaching and availing economic opportunity as a form of violence. According to the explanation provided by the Act, economic violence only occurs if the aggressor is not providing the necessities, i.e., food, clothes, and shelter, and second if the defendant takes away the income without consent. United Nations Economic and Social Commission for Western Asia (UNESCWA) state that "Economic violence is said to occur when an individual denies his intimate partner access to financial resources, typically as a form of abuse or control or in order to isolate her or to impose other adverse consequences to her well-being" (UNESCWA, n.d.). The definition by UNESCWA is quite inclusive and includes any act of refraining someone from accessing economic resources, which means job and labour market. In contrast, the Act completely ignores any such restriction as violence.

Women with domestic violence cases where the aggressor/defendant is not letting them work will be helpless and cannot seek a remedy through this law. Analyzing the provisions from the unmarried/ girl victims' perspectives, I assume that any act that hinders the victim from getting an education or any other skill for future financial support will also fall under the same category of economic violence.

Section 2 (r) also explains that the term psychological violence "includes psychological deterioration of aggrieved person which may result in anorexia, suicide attempt or clinically proven depression" (See section 2 Appendix 1). A bare reading of the clause suggests that while defining the term, the Act fail to define what exactly constitutes psychological violence. According to United Nations (UN), "Psychological abuse **i**nvolves causing fear by intimidation; threatening physical harm to self, partner, or children; destruction of pets and property; mind games; or forcing isolation from friends, family, school, and/or work" (n.d). As per the explanation, the Act requires a certificate by the psychologists' panel that proves the aggrieved person's mental health deterioration. Another defect in Section 2 (r) is the non-explanation of the newly introduced terms like cybercrime and stalking, which may confuse the victim on what constitutes these forms of violence.

Section 2(h) defines the term *domestic violence* as "violence committed by the defendant with whom the aggrieved is living or has lived in a house when they are related to each other by consanguinity, marriage or adoption" (See Section 2(h), Appendix 1). The clause does not define domestic violence itself; instead, it focuses more on the relationship and the place i.e., "home" rather than actually defining what constitutes domestic violence. Section 2(r) includes the term domestic violence when defining violence; however, for the purpose of clarity, the legislature should be

cautious about defining essential terminologies and not leave them as nomenclatures. For the purpose of invoking jurisdiction and hold the perpetrator accountable, two essentials need to be fulfilled: the place "house" and the "relationship." The fixing of violence to a specific place and from certain people is troubling. There is no clear demarcation between the private and public spheres, and what constitutes a relationship also needs further definition. The definition currently includes parents; family from the father's side by adding consanguinity relationship; the husband, as related through marriage; and parents of adopted children. In Pakistan, the circle of domestic violence is not limited to husbands, fathers, and brothers, but is also extended to the in-laws, which is absent from the definition (Munshey, 2016). One might consider the family of husband, which is related through marriage, to be included in the definition, but the same is not evidential from the interpretational angle of the court. I agree with Khursheed that there is a need to amend the definition to make it holistic by including the extended family members (2016).

One of the fears for women while initiating any legal proceedings against their husband or his family is linked to the protection and custody of their minor children. The Act, while defining the term dependent child, states, "a male child below the age of twelve years of age and includes any adopted, step or foster child" (See section 2(e), Appendix 1). The Act blatantly uses only male children below the age of twelve. If the child is female or above twelve years, her/his protection is not promised under the Act. Moreover, the usage of word protection is extended to mean custody. On the other hand, the law should also have defined the matter with the girl. Jatoi (2016), while critically engaging with the text of the Act, pointed out that the clause intends that regardless of the age, the girl child will be considered dependent on the victim (p.2). I have to disagree with what Jatoi's (2016) statement as something, if not

expressly mentioned in the law, requires legal and judicial interpretation. Looking beyond the scope of the Act, the judges might not be interested in interpreting the definition of a dependent child, which will result in initiation of other court proceedings under the Guardians and wards Act of 1890. The Guardian and Wards Act, 1890, states that in case of dispute, the custody of minors is decided by the court "where the Court is satisfied that it is for the welfare of a minor that order should be made: (a) appointing a guardian of his person" (Law No. VIII of 1890, Section 7). The management and initiation of multiple legal proceedings might also create hardship for the victim.

5.4 Filing of Complaint: Bringing the Law Into Motion

The main concern for any aggrieved person is the ways of reaching the legal forums, and later getting speedy and adequate remedy. Section 4 talks about the complaint prodedure in the Court by specifying who can bring the complaint to the court, and how the court deal with the same and in how much time. Section 4(1) gives authority to 'aggrieved', 'authorized person' or 'women protection officer' to submit complaint to 'court' for 'protection', 'residence' or 'monetary' order. The section depicts the failure on part of court to provide immediate relief. According to section 4 (2), the court on receiving complaint will fix a date for hearing within 'seven days', rather taking prompt action against domestic violence the case will be kept pending for seven days. Moreover, even after those seven days, under section 4 (3), the court will ask the defendant to 'submit a reply' to the grievance filed by the aggrieved person. Moreover, under Section 4 (4) the court will take 'ninety days' to finally decide the case (see. section 4, Appendix 1). The duration of ninety days for the sensitive matters is not warranted, except if the court provides immediate interim relief. There is a legal

maxim, “Justice delayed is Justice denied,” which means that if the aggrieve d’s grievance is not redressed promptly; is equivalent to denial (Sharma, 2022). The delayed processes of the court from fixing the first hearing to the conclusion of the trial might cause problem for the victim.

Section 4 and section 21 together gives contradictory meanings, where one section authorizes the aggrieved or any other person on her behalf to file the complaint. In contrast, the other suggests that the court will not adjudicate cases brought to it other than by the women's protection officer. The language of the two sections creates inconsistency

5.5 Government Measures For Protection And Relief: Women's Protection

This part of the chapter will analyse the provisions dealing with the protection mechanism provided for the victim. Section 3, mentioned the measures for the implementation of the Act. Section 3 bound the government to create a “free helpline”, and “shelter homes”, appoint ‘trained staff’ for medical, reconciliation, and aiding of the aggrieved person .The section also emphasis the government should ‘sensitize’ the public about the issues involving women (See Section 3, Appendix 1). However, the government initiated a toll-free number for effective implementation and to take swift action. while drafting the law the fact that the majority population in Punjab lives in rural areas must be kept under consideration because women from underprivileged areas have no access to phones (Flood & Fergus 2008).

The purpose of the Act is to protect women against domestic violence. The Act, under section 11, establishes a District Women Protection committee, which includes members from health, community development, and police to aid the committee in

performing their duties (see section 11, Appendix 1). The section only addresses the members of the commitiee without specifically discussing their roles. Jatoi (2016) states that how the members of the committee will contribute in aiding during the whole process needs to be more specific and defined by the Act (p.3). Secondly, the change has to come from within, the section 3 is relying upon and using the old tools/ for implementing the new enactment (Five questions about Punjab Protection of Women against Violence Bill, 2016).

The Act, in its section 15, authorized the District Women Protection Officer to enter 'any place or house' to rescue the aggrieved person. The section elaborates that the rescue shall not be 'without the consent of the aggrieved' (See Section 15, Appendix 1). I found the condition of aggrieved consent unfair as the purpose of law should be protection of victim regardless of their consent. The section, at one point, empowers the officer to take cognizance and, at the same time, make it difficult to enforce without the victim's consent.

As already discussed, the Act does not criminalize acts of domestic violence. The remedies offered are of civil nature i-e monetary compensation, protection, or residence orders (Adil, 2016). There are separate sections that deal with each remedy. The Act in Sections 7, 8, and 9 discusses the protection, residence, and monetary order respectively. All court orders are civil, and no act of violence has been penalized under the Act (Nabeel, Afzal Qamar & Malik, 2016, p.10). While analyzing the section on court orders, I find severe reservations on the implementation of the same. As per section 7, the court is empowered to pass a protection order in favor of the aggrieved using various mechanisms. The court, under sub-clause 7(d), is empowered to issue an order against the defendant to wear a "GPS wrist bracelet" for

tracking his movements (Jatoi, 2016, p.3), to counter the grave threat of violence to "life, dignity, or reputation of the aggrieved person" (See Section 7, Appendix 1). This kind of order requires sufficient budgetary allocations and a separate monitoring setup which the law fails to explain for effective implementation (Nabeel, Afzal Qamar & Malik, 2016, p.9).

Section 8 of the Act provides residence order, and mention that the court can pass an order to 'maintain the residence of the aggrieved in the same house' by directing the defendant not to evict her from the house (See Section 8, Appendix 1). On the one hand, this order will provide the aggrieved security concerning residence, but at the same time, burden the courts to provide extra protection for the victim. Under the same section, the court is empowered to pass an order where the aggrieved will be 'shifted to the shelter home' or any 'other accommodation' for which the defendant is liable to pay rent.

The punishments for the aggressor under the Act, is of civil nature, whereas the contempt of the judicial orders has penal liability. Under Section 18 and 20 obstructing Protection officers and breach of court orders is punishable (Nabeel, Afzal Qamar & Malik, 2019, p.5). I do not see justice prevailing because the court penalizes the violator of its order and not the abuser for committing violence. Breaching the court's order is serious offense than violent behaviour toward the victim.

False information about the commission of violence is punishable by jail and a fine (See Section 19, Appendix 1). The issue with Section 19 is evident. An already reluctant woman victim who is unfamiliar with court process will be scared away out of the fear of being jailed or fined for making false accusations against the defendant because she will be worried that the defendant would use her genuine claim—if it can't be proven—to use this clause.

5.6 Conclusion

The flawed definitions and complaint processes made it difficult for victims to understand what constitutes violence, by which violence is considered as domestic violence and how and to whom they can file complaint against such offences. The Act is a comprehensive piece of legislation that addresses various forms of violence.. However, my analysis of the text of law reflects that the law fails to provide elaborative definitions of the terminologies including: violence, domestic violence, cybercrime, stalking, economic abuse and psychological violence.. Moreover, as filling the complaint is the essential part of initiating the legal proceedings thus, section 4 and section 21 must be amended to create harmony and clarity on who can bring the complaint to the court

The Act is required to make clarification on who comes under relationship of marriage, by keeping in consideration the wider extended family of husband and women. The Act while stretching notion of the protection to custody fails to provide effective mechanism for male above twelve andignors the female child blatantly. The Act also incurs few executive problems i-e the assumption of law under section 3, that the aggrieved will have access to the telephonic tools needs amendment The notions of not declaring an act of violence as a criminal offense and giving jurisdiction to the family court must be rethought, however.

CHAPTER 6: BLAMING AND SHAMING WOMEN: SOCIETY AND PATRIARCHY

6.1 Introduction:

In this chapter, I investigate the concept of family values and how they are shaped by broader social and cultural structures. Family does not function in isolation but in-connection to the prevailing cultural, societal, and religious norms. In the previous chapter I discussed the structural violence of the justice system, while in this chapter I argue that in addition to the structural violence, the family and patriarchal cultures also constitute cultural and structural forms of violence which give rise to and provide a context for physical violence to continue. The notions of shaming, blaming and honor are embedded in the norms and can be considered as cultural violence. Galtung (1969) argues that violence is built into structures and both personal and structural violence are cross-breeding (p.178). Society, religion and cultural interpretations also influence family's behaviour, which ultimately plays a significant role in discouraging victims from seeking recourse to the law.

My analysis in this chapter is based on the interventions of my research participant's and existing literature. As the "cultural and structural violence" provides the invisible basis for direct physical violence to continue, it is important to theorize family as a broader institution embedded within economic, political, cultural and social structures. I will discuss how the family maneuverers religious interpretations to control women's access to justice. Further, I will explore how the broader cultural conceptions of shame and blame within families and society discourage women from pursuing legal action.

6.2 Family as Patriarchal Unit

Patriarchal structure requires hierarchical organization in which certain individual or institutions hold higher status and others are relegated to a lower/subordinate status (Walby, 1989). In its broadest definition, patriarchy refers to the manifestation and institutionalization of male control over women and children inside the household, as well as the expansion of male domination over women in society as a whole (Lerner 1986, p.239). Family is an institution that interacts with larger societal institutions. According to Montiel (2014), the family not only represents the larger civilization by pressing its own members to change and comply, but it also plays a part in the rule of the patriarchal state, which dominates its residents through the head of the family. The Pakistani family unit is traditionally organized in a way where the male member acts as head of the family and is the bread winner, and resultantly, he holds the power and authority over family members, especially female members. Patriarchal structures are deep-rooted in the cultural, social and economic fabric of Pakistan, which also influences family life in terms of gender roles.

The family unit is one of the institutions that enforce patriarchal ideology. According to Dobash & Dobash (1979) this ideology relies heavily on the "hierarchical relationship between the husband and wife," which "continues to be the foundation of male supremacy and the subordination of women in society and in marriage" (p. 45). According to Brock-Utne (1989), the power difference between sexes in the society at large creates sexual inequalities within the domestic spheres. She argues that the understanding of the concept of male violence must be considered by analysing patriarchy and the cultural system that create male solidarity in the domination of women (p. 31). In the institution of marriage, the division of labour promotes

women’s dependency on men. As a result, the institution of marriage is often considered to legitimize and condone wife abuse. The focus should not only be on the fact that patriarchy promotes violence against women; instead, we must also consider other variables such as stereotypical gender roles, expectations from women, and religiosity. Pakistani society includes several levels and aspects of patriarchal frameworks that all work together to determine women's roles, status, and lives. Today, oppression of Pakistani women takes many forms, depending on the geographical area, regional culture, and socioeconomic strata to which she belongs.

6.3 Using Religion to Condone the Domestic Violence

I am very cautious on my thought that Islam in reality never teaches us to tolerate violence, but this human interpretation of Islam makes it difficult for women to survive independently. Islam is a dynamic religion that needs constant re-interpretation in the light of changing circumstances. Families must not use religion as a weapon to control and limit women rights, and the Islamic scholars should be cautious of not using religion to create and maintain gender hierarchies. An examination of customary and religious personal laws practiced in Pakistan today reveals that, while aspects of Muslim jurisprudence promoting male dominance are widely accepted, Islamic injunctions protecting or promoting women’s rights are systematically rejected. In contrast, customs that contradict Islam but ensure men’s supremacy have been accepted and continue to exist (Shaheed, 1991, p. 139). As Shaheed (1991) indicates, customs are mixed up with religion, and religion is interpreted with the goal of preserving patriarchy. In such a setting, the Pakistani woman’s role is rigidly defined and proscribed to the point where every aspect of her life, including her educational options, health, rights and obligations, and choices and

goals, is determined for her by society. Each of these aspects contributes to reinforcing the patriarchal structure, and in doing so reinforcing cultural violence within a continuum of violence.

Nafeesa, who works as a lawyer, explains how her clients often shared the controlling strategies used by families which were justified in the name of religion; for example, "If the husband is beating you, Allah will reward you in the life hereafter because you do sabra "remains patient" (Author Interview, Nafeesa, 2023). Hussain (2006), sheds light on how the male dominated Islamic interpretations reinforce a patriarchal culture of male dominance (p. 237). Wazir (2010), while urging for re-interpretations of religious texts for promotion of equality and dignity of women, highlights men usage of religion to justify their violent behaviour and abuse against women (p.47).

In Pakistan legislation relating to women empowerment is not welcomed by various circles of society, particularly the religious groups who oppose the laws on the pretext that the same is anti-Islamic (Khursheed, 2016, p. 100). On 22nd Nov, 2022, the Federal Shariat Court of Pakistan dismissed the petition filed by several petitioners urging to annul the Act. The main grounds for filing the petition were that the Act is against injunctions of Islam and it endangers the family systems and is gender biased. One of the other pleas that the petitioner made was that the Act is against the dignity of man, and as per Islamic teachings, man is "qawamun", which means of greater power, a word which is also used in terms of holding and controlling authority. The Judge noted that:

> "[a]according to the Sunnah and the Hadith [transmitted narrations] of the Prophet (SAW) domestic violence is not permissible in Islam. Hence, the term

> "domestic violence" as defined in the Impugned Act is in accordance with the injunctions of Islam; therefore, the husband of a woman is not allowed to commit the crime of domestic violence against his wife in any form and manner" (Ahmad, 2023).

The challenging of the Act in the Shariat courts is an indication of how acts relating to women encounter criticism from conservative religious groups. Husain (2006) discusses the difficulty that the honor crime Bill has gone through in Pakistan and the extent of opposition to it, not only by the religious groups but also from members of the parliament. Religious groups often put up hurdles by objecting to women's rights legislation as an attack on Islamic values and as a "western agenda" (Hussain, 2006, p. 244).

Women often do not question Islam due to the fear of sin, and the family and the broader society use religion to suppress their voices. From my perspective, the idea of using religion as validation for the ideologies hampering women and create forms of cultural hidden violence, which is invisible in itself, and which Galtung (1996) suggested that such violence might seem as "natural" as air around us (p.173).
The categorization of women as pious and who deserve paradise is based on the Islamic interpretations that also require women submissive behaviour. "After marriage my husband gifted me a book titled: women of paradise. I told him that I will read this book when you got something relating to: man of paradise. I don"t know why man thinks they got a free ticket to Jannah (paradise), and for women they are required to meet certain standards of Islam" (Author Interview, Hafsa, 2023). It is important to note that the distinction of good and bad women in Pakistani culture is highly subjective and often heavily influenced by cultural and religious beliefs.

According to a study conducted by Mahmood et al. (2015), good women in Pakistan are often expected to embody traits such as chastity, modesty, obedience, and devotion to family and community. On the other hand, women who do not conform to these expectations are often labelled as "bad" and may face social stigma. This stigmatization of "bad" women is reinforced by cultural practices such as honor killings, which serve to reinforce patriarchal norms and maintain the status quo. However, it is important to note that these distinctions are not universal and may vary depending on factors such as geography, social class, and individual beliefs. Nafeesa also discussed the family attitude of using the religion/Islam card and highlighted how women are trained and taught from childhood about the qualities of good pious women, who always live with her husband, no matter what. These false religious grounds are used by them [family] to discourage women [victims] from using law as a remedy (Author Interview, Nafeesa, 2023).

In short, there is often a misuse/ misinterpretation of Islamic principles, such as the claim that Islam allows the beating of a disobedient wife. To avoid this fate, emphasis is placed on the importance of maintaining the family unit, and by highlighting the negative impacts and evils of breaking up the family. The family of victim are often influenced by these false prevailing cultural narrations and force the victims to remain in the violent relationship.

6.4 Culture of Shaming and Blaming

While I agree with Abu-lughood's (2008) idea of culture as fluid and changeable (p.470), there are some problematic notions in the culture that persist through time and are reproduced in the transforming society. Galtung (1990) discussed cultural

violence, and refer as generally permanent elements of a culture that legitimize, support, or generate either direct or indirect violence. Galtung (1990) distinguishes between direct violence, which is a discrete “event”, and structural violence which is “process” marked by the flow of institutional reforms (p.294). Contrarily, cultural violence refers to those features of a culture that are more or less constant and unalterable and that give rise to patterns of both direct and indirect violence.

I believe that the culture of treating women as second-class and not of equal gender creates problem, where a man approaching the court is not questioned but when it comes to women’s going to court the societal pressure of bad names and shame keeps her away. The realization and reinforcement of the ideas that women are subordinate, is persistent even in the events of Cultural Revolution. As Faqir (2001) describes that sexual violence is a way to maintain male dominance, which is central to the patriarchal social order (p. 67).

Females are considered the property of their male relatives, such as their father, brother, husband or uncle. She is "protected" and imprisoned within the four walls of her house since they are viewed as a sign of a man's honor. She is often denied an education and has little voice in crucial life decisions like as marriage. (Mumtaz & Shaheed, 1987). The culture of honor is one of the features of Pakistani culture that contributes to violence against women. According to Friedrich (1977) honor is a code for both interpretation and action: in other words, with both cognitive and pragmatic components (p.284).

Rabia shared fears of being shamed and labelled as a divorcee, and explained that she did not want her daughter to experience a life without family (Author Interview, Rabia, 2023). “My elder sisters and mother forced me to stay with my abusive

husband as to them divorced women with a daughter cannot survive in this society alone. I myself am quite resistant about getting divorce because I don't want to break the family and then being shamed for my whole life for taking this wrong step" (Author Interview, Maria, 2023). The narrations of Maria and Rabia indicates a mix of influential factors which includes family and societal pressures as well as concerns for kids" upbringing. The women in Pakistani society are burdened to uphold an appearance of perfect family. Anser (2013) explains the prevalent societal notions which emphasise the importance of marriage for a stable family life. These notions of maintaining family sanctity explain the stress that women face while deciding to divorce (p.59). Kidwani (2001) discussed how the focus on women's sexuality and their gendered expected reproductive role leads to their seclusion and segregation within the domestic sphere (Mumtaz & Shaheed, 1987, p.30). Due to their segregation, women depend on their male kin, who might allow women to enjoy power within the domestic sphere. However, they are excluded from the socio-political and economic spheres, which can offer true autonomy and power. Moreover, due to segregation, Pakistani women have conventionally been denied access to education and, as a result, other forms of self-determination. For women it is always difficult to navigate their escape from a violent relationship . In Pakistan, women's right to life is frequently linked to their compliance with societal norms and customs (Hayat, 2008). Women get least support from the parents and siblings, as for family taking the matter to court is bringing bad name to them. In societal settings where family comes first, last and forever, she cannot walk away from family (Desi Rants N Raves, 2017).

Divorce is generally considered as taboo, which brings shame for the family and women are often held accountable. The norms for a woman's conduct and behavior are established by cultural expectations derived from her role in Pakistani society. Rabia even after multiple encounters of violent behaviours by her husband did not want to take divorce because she does not want to be labelled and stamped as divorcee. Hussain (2006), while discussing the notions of honour in Pakistani context highlighted the story of Sarwar whose parents perpetrated her killing because she has tarnished family's honour by seeking divorce (p.225). Roshana (2022), while discussing the stigma surrounding divorce highlights that the seeking of divorce can put blame on the women, for instances in situations where she is been assaulted by her husband, people will say that she is overreacting, or in scenarios of her husband cheating on her, people will say she did not satisfy him. She also explains how the marriage relationships are one-sided, demanding women's sacrifices and submissive behaviour. This mindset reflects inter-relation of family's action based on societal standards of respect, where for a women taking divorce or standing for her rights might bring shame and disrespect not only for her but also for her family. I agree with Kamal (2019) that many people believe divorce is a western ideology, and believe divorce reflects the shameful inability of women, not men to fulfil their obligation. In Pakistan the assumption that women are solely responsible for marital duties stems from the notions of family honour. Seeking divorce to avoid violent relationship is often seen as woman's failure to compromise and remain patient and thus unable to fulfil marital duties.

Rabia, while recalling her first-time settlement with her husband after been brutally beaten up by him, states that "I remember while I was leaving my parental house, my aunt advise me to control my tongue". She also shared how she was taught to behave

but her husband was never asked to apologise for his bad violent behaviour (Author Interview, Rabia, 2023). At the same time, Maria was also advised by her sisters to compromise with him [husband] by saying, "all men are the same, you need to compromise. Life of a divorcee is more difficult in our society" (Author Interview, Maria, 2023). These narrations of my interviewee's experiences echo the societal and cultural mind-set of blaming women and advising them to behave in certain way and treating the violence as if it is a result of the victim's actions, which keeps them in a continuum of violence. Sometimes not only the immediate family but also the extended families pressurize the victim to suffer in silence.

Nafeesa while talking about the enactment of women laws showed concern of state's normative strategies by saying: "There is no bill for the protection of man. Why not? Why is there an Act for females only? They have been told that, Oh my God, you are weak" (Author Interview, Nafeesa, 2023).Imran Khan, the former President of Pakistan blamed victims of rape for wearing "very few clothes", advising the women to cover up to prevent temptation. (BBC News, 2021). Khan's statement reflects the predominant male mind-sets which negatively affects furthering victim's trauma by silencing them with blaming, rather holding perpetrators accountable. Putting the blame on the victim, especially when she is a woman, reflects the "thinking of vast majority segment of the society" (Hussain, 2021). "

Nafeesa explains how the fear and victimization is not only experienced by the victim but by their family, highlighting that families deny the court's s involvement to save their reputation and honor. Women's s bodies are considered carriers of the "family's honor" and "reputation" (Hussain, 2006; faqir, 2001), and seeking divorce or otherwise coming to court can cause reputational damage. I argue that although the

concept of family prestige and honour are not directly synonymous with violence, it may appear similar due to certain elements of patriarchy in the ideology of honour. These trends of blaming and shaming ultimately impact family values resulting in less family support for women for going to court. In Pakistan most of the family belongs to middle-class socio-economic living conditions, for whom the safeguarding of honour is prioritised over reporting the abuse in court (B.Gul Personal Communication,2020 in Malik, 2022). The broader concepts of honour, respect and shame are intertwined in the structures of family as part of society and thus family resist court proceedings for the fear of bringing a "bad name for the family" (Author Interview, Nafeesa, 2023).

Violation against women is often justified under the cloak of "culture". Wazir (2010) while discussing the notions of women bodies as a "repository" of family honour pointed out the relationship between "Izzat" [respect] and "ghairat" [honour] as a cultural notions. He stated that the concepts of "zan, zar and zameen" [women, gold, land] are closely related to the perceptions of man's honour. In a cultural setting, honour is a male prerogative which means men possesses zan, zar and zameen and have total control, possession and ownership. The author concluded that the perception of women as commodity and conceptions of honour are the significant cultural factors promoting violence against women (p.39). The act and process of holding women's sexuality as one of the central features of a man's or his family's honor/izzat is inherent in the code of honour. In Pakistan, the culture of honor expects women to be chaste in their behavior and demeanour, and men to be their custodians and controllers. Because women's sexuality becomes territorial, they are viewed and treated as men's property, which may be interpreted as commodifying the female.

Resultantly, control over this “property” may thus aid in the establishment of one’s reputation as dominant or forceful. I propose that because the notions of honor are so closely linked to women’s sexuality, they legitimate men’s controlling attitudes over women. The family while taking decisions regarding women often thinks of the broader society and what people will think. While thinking of the society they ignore the individuality of victim, which results the violence to persist.

None of the research participants fully develops the link between how culture influences family actions, but I argue that people use culture as essential factor to support their actions against women. During the discussions with Maria and Nafeesa they inadvertently talked about the hegemony of Indian culture over current Pakistani family structures. For them the adoption of the alien culture is not only damaging family structures but also influencing religious practices. These insights from the research participant reflect the idea that violence is multi-layered, victims face visible and invisible violence simultaneously and exiting direct violence (physical), requires negotiating the hidden structural violence of legal systems and cultural violence of shame and blame.

As I stated already that culture is not static, I argue that media also plays a vital role in constructing and transforming cultures, which Galtung does not mention in his article. The representation of “good” and “bad” women by the media effects the family and victim’s choices. Nafeesa seconds the idea of problematic media projections, which glorify women’s sacrifices. Malik (2022),),), in her ethnographic research on a Pakistani drama serial, debate the role of drama as feminist edutainment and concludes that its different from entertainment education as its emphasis is on gendered inequality and violence targeted at women (P.32). Popp suggest that

Challenging patterns of domestically violence using media campaigns can be an effective way of changing social attitudes (1999). Wazir (2010) also discussed the significant role of the media in influencing and changing social norms and behaviours (p.47). The drama industry is directing the scripts in which wives are maltreated by husband or his family, on the side the wife (victim) and her family is always under the pressure of what people will say (log kya kahin gy).

6.5 Conclusion

In this chapter I mapped how the family functions within the broader societal structures, and creates and maintains hierarchies, which negatively impact women lives. The ideologies of treating women as commodities and the carriers of honour further complicates the situation, ultimately burdening women with the weight of societal expectations. The notions of honor, shame and blame build a wall which prevents women from taking action against their aggressors.

Wife abuse is one such scenario in which emotional or physical abuse is used to reinforce or regain power if it is challenged by the wife's perceived transgressions of her role. The marriage or familial unit can be viewed as the most basic prototype of a patriarchal society in which men's authority and control over women and children is considered normal (Dobash & Dobash, 1979; Lerner, 1986). I argue that the crucial role of the family in enabling or deterring women from reporting domestic violence. The cultural and societal norms prioritizing family honor and reputation over women's rights often lead to the victim's silence. The notions of shame and blame associated with reporting domestic violence further aggravates the situation. Hence

the continuum of violence is sustained by a web of interconnected visible and invisible factors, making it difficult for victim to break free and seek help

I argue that the impact of religious interpretations, prevailing norms of the society in the form of shame and stigma generates cultural violence. Moreover, the family as a societal institute also maintain the continuum of violence by engineering the structural violence by keeping women to specific sphere (domestic) and not letting them achieve economic independency. The debate on how the religious scholars bend upon to re-generate and maintain the existing gendered norms along with the notions of women submissive role is a great hurdle and a tool used by family and society to retain the women from going to court. According to the interviewee's lived experiences, one factor that needs consideration is that whether or not the women are strong enough to handle the stress alone without family support, which one way or the other is restricted by the concepts of religion, culture and society.

To summarize what I have argued is that gender roles and gender stratification bind men and women to behaviours and images that reinforce patriarchal messages. Gender roles assert not only what men and women should be, but also what they should not be, so that those who violate gender-based norms are socially and, in some cases, physically sanctioned.

CHAPTER 7: CONCLUSION

This study has explored the reasons and hurdles that hold women back from taking legal recourse against the perpetrators of domestic violence. In order to have a more nuanced understating of this phenomenon, I have reviewed the existing literature and considered this together with the lived experiences of three women victims and the views of a lawyer. While utilizing the framework of continuum of violence (Cockburn 2004), I analyse my arguments to include the broader social and legal systems, structures and processes. The study also shows that there is a continuum of violence in relation to the family and the state, religion and the market, and between public (court room, police stations) and private (house) spheres. The study also demonstrates that structural and cultural invisible violence (in the form of shame, blame and honour) persists even in the absence of any physical violence. The study, while theorizing the concept of violence, shows how the gendered hierarchies are created and then used for maintaining domination and retaining submissive behaviours.

In chapter four, I studied the factors affecting the justice system which ultimately hinder women's access to justice. The lived experiences of the participants highlighted various flaws within the judicial system which lead to a continuum of structural violence in the form of delayed proceedings, lack of access to courts due to economic factors, and inadequate policing. These flaws also result in the adoption of alternate speedy legal remedies, such as divorcing the perpetrator. I argue that noted that structural violence is perpetuated by ensuring the victim lacks knowledge of the law. It is for this reason that they do not hold the aggressor accountable and instead choose to leave relationship silently without taking action against his violent acts.

In my analysis of text of the law in chapter five I concluded that the flawed language of the law and the confusing legal system to file complain are potential problem for women not seeking relief under the Act. I argue that the text of the law upholds structural violence through ambiguous system setup to report the violence. I also argue that the jurisdictional defects, and non-notification of family court to hear cases of domestic violence cause hardship for the victim, particularly in terms of filing a complaint, which again perpetuates structural violence and creates a continuum of violence.

In chapter six I argued that that the patriarchal structure of society, coupled with the cultural, social, and religious norms, plays an important role in hindering women from reporting incidents of domestic violence. The structural barriers of the state and the cultural barriers of family, religion, and society ensure the continuity of violence. There is a dire need to address cultural barriers, in addition to the flawed justice system, including lengthy court proceedings and high legal costs. The availability of other legal remedies, such as divorce, creates structural barriers and reinforces the continuum of violence, further discouraging women from seeking justice under the domestic violence law.

After extensive exploratory research on the topic, it is clear that domestic abuse against women is a pervasive issue in Pakistan. Despite passing the Punjab Protection of Women against Violence Act in 2016, women are still reluctant to seek legal remedies for various reasons. These include a lack of awareness about the Act of 2016, an ineffective system for filing complaints, and fear factors related to the notions of family honor, shame and blame. Most importantly, however, the women”s

own stereotypical upbringing is a key factor in her reluctance to seek legal recourse against her abuser.

This study underscores the necessity for comprehensive measures to address the fundamental causes of domestic violence, such as gender discrimination and patriarchal social systems, based on my results. In particular, I have identified the need to create awareness campaigns, implement stricter laws and penalties, and support women to overcome the fear of social stigma and shame associated with reporting domestic violence.

I suggest further qualitative studies need to be conducted using a large sample than the current study. As mentioned at the beginning of my study, I remain unable to find any participants who combatted violence by using the Act. Future studies would therefore benefit from including narratives from women who had used the Act. I also recommend that the state raises awareness via campaigns which not only project the law, but which also empower women so they can take action without fear of societal pressure. Sensitization towards issues relating to women is very important, especially within judicial institutions and including actors such as police, judges, lawyers, women protection officers. The state should also consider issues relating to women as a priority and allot sufficient finances for setting up shelter homes. Out of four participants, two of them were unaware of the laws and legal recourse available to them – they did not know from where and how to seek legal help or even obtain basic information. Thus, it is also recommended that information on the law is made more accessible to ensure that women are aware of their rights. Finally, there is a need for the parliament to revisit the law to make reasonable changes.

REFERENCES

Primary Sources

Rabia. (2023). Author Interview
Maria. (2023). Author Interview
Hasfa. (2023). Author Interview
Nafeesa. (2023). Author Interview
The Punjab Protection of women against Domestic Violence Act, 2016 (Appendix 1)

Secondary Sources

Abu-Lughod, L. (2008). Writing against culture. The cultural geography reader, (pp. 62-71). *Routledge*.

https://doi.org/10.4324/9780203931950

Adil, K. (2016). The Punjab protection of women against violence Act, 2016 and the justice system of Pakistan. *Academia.*

https://www.academia.edu/24805458/the_punjab_protection_of_women_against_violence_act_2016_and_the_justice_system_of_pakistan

Adra, N., Al-Ali, N., Farhat, S., Joly, D., Larzillière, P., & Pratt, N. (2020). Women, violence and exiting from violence with a gendered approach: MENA region and diaspora.

https://hal.science/hal-02498142

Ahmad, T. (2023), Federal Shariat Court upholds Punjab protection of women against violence Act.

https://www.loc.gov/item/global-legal-monitor/2023-01-25/pakistan-federal-shariat-court-upholds-punjab-protection-of-women-against-violence-act/

Alden, A. (2010). A continuum of violence: A gendered analysis of post conflict transformation. (pp.1-37). *POLIS.*

http://www.eprpinformation.org/wp-content/uploads/amie-alden-summer-10-1.pdf

Ali, N., & Qazi, S. (2018). Domestic violence against women in Pakistan: An analysis of cultural and legal factors. *Journal of Social Issues in Southeast Asia*, 33(2), 278-296.

https://doi.org/10.1080/10357820802062181

Ali, P. A., Dhingra, K., & McGarry, J. (2016). A literature review of intimate partner violence and its classifications. *Aggression and Violent Behaviour*, 31, 16-25.

https://doi.org/10.1016/j.avb.2016.06.008

Altorki, S. & El Solh, C. (1988). *Arab women in the field: Studying your own society*. Syracuse University Press.

https://bit.ly/3Uw9QL6

Austin, J. (1832). The province of jurisprudence determined. *John Murray*.

https://bit.ly/41hU7kP

Bagshaw, D. (2011). Domestic violence: Feminist perspective. *The encyclopedia of peace Psychology*.

https://doi.org/10.1002/9780470672532.wbepp091

Bayard de Volo, L., Hall, L.K., (2015). "I wish all the ladies were holes in the road": The US air force academy and the gendered continuum of violence. *Journal of Women in Culture and Society*, *40* (4), 865–889.

https://doi.org/10.1086/680328

BBC News. (2021). *Imran Khan criticised for rape "victim blaming."*
https://www.bbc.com/news/world-asia-56660706

Bilal, M., & Khokhar, F. (2021). Justice delayed or denied: The myth of justice in Pakistan. *Journal of Law & Social Studies*, *3*(2), 124-132.

https://bit.ly/3zQzfp7

Braithwaite, J., D"Costa, B. (2018). Cascades of violence: war, crime and peace building Across South Asia. *ANU Press, Canberra*, (pp.706).

http://doi.10.22459/CV.02.2018

Brock-Utne, B. (1989). Feminist perspectives on peace and peace education. *New York: Pergamon Press Inc.*

https://bit.ly/40ZiGmY

Brownmiller, S. (2005). Against our will: Men, women and rape *(1975).* In R. K. Bergen, J. L. Edleson, & C. M. Renzetti, Violence against women: Classic papers (pp. 5-8). *Pearson Education New Zealand*.

CEDAW. (n.d.). UN Women- Asia-Pacific.

https://asiapacific.unwomen.org/en/countries/pakistan/programmes-pakistan/cedaw

Christensen, L. M. (2007). Legal reading and success in law school: An empirical Study. *Seattle University Law Review,* 30(3), (pp.603-650).

https://bit.ly/3KCk0Fs

Cockburn, C. (2004). The continuum of violence: A gender perspective on war and peace. In Files, W., & Hyndman, J. (Eds.), *Sites of violence: Gender and conflict zones* (pp. 24-44*). University of California Press*.

Desi Rants N Raves (2017). *Dar si jaati hai sila, episode 1 review*.

https://desirantsnraves.com/2017/11/08/dar-si-jari-hai-sila-episode-1-review/

DeVault, Marjorie. (2004). Talking and listening from women's standpoint: Feminist strategies for interviewing and analysis. In Sharlene Hesse-Biber & Michelle

Yaiser (Eds.), Feminist perspectives on social research (pp. 227–250). *New York: Oxford University Press*

https://doi.org/10.2307/800797

Dobash R.E. and Dobash, R.P. (1992). Women, violence and social change. *Routledge*.

https://bit.ly/3GD4Cat

Dobash R.E., Wilson M., et al. (1992) The myth of symmetry in marital violence. social problems, 39, 401–421

https://doi.org/10.2307/3096914

Dobash, R.E, & Dobash, R. (1979). Violence against wives. *New York: The Free Press*.

ESCWA. (n.d.). Economic violence.

https://www.unescwa.org/sd-glossary/economic-violence

Faqir, F. (2001). Intrafamily femicide in defence of honour: The case of Jordan, *Third World Quarterly*, 22:1, 65-82

https://doi.org/10.1080/713701138

Fathi Massoud, M. (2022). The price of positionality: assessing the benefits and burdens of self-identification in research methods. *Journal of law and society*.

https://doi.org/10.1111/jols.12372

Five questions about Punjab Protection of Women against violence Bill (2016). Council on foreign relations.

https://www.cfr.org/blog/five-questions-about-punjabs-protection-women-against-violence-bill

Flood, M. & Fergus, L. (2008). An assault on our future: The impact of violence on young people and their relationships. *White Ribbon Foundation (Sydney)*

Galtung, J. (1969). Violence, peace, and peace research. *Journal of peace research*, *6*(3), 167-191.

https://doi.org/10.1177/002234336900600030

Galtung, J. (1990). Cultural violence. Journal of Peace Research, 27(3), 291–305.

https://doi.org/10.1177/0022343390027003005

Gill, A. K., Heathcote, G., & Williamson, E. (2016). Introduction to violence. *Feminist Review*, *112*(1), 1-10.

Habiba, U., Ali, R., & Ashfaq, A. (2016). From patriarchy to neo-patriarchy: Experiences of women from Pakistan. *International Journal of Humanities and Social Science*, *6*(3), 212-221.

https://bit.ly/3o4zA50

Hayat, M.(2008).Respect and Honour for Pakistan women.

https://bit.ly/3GB1dJa

Hesse-Biber, S. (2007). The practice of feminist in-depth interviewing. In Feminist Research Practice (pp. 110-148). *SAGE Publications, Inc.*

https://bit.ly/3mkzsOp

Hirsch, S. F. (2008). Fear and accountability at the end of an era. *Law & Society Review*, *42*(3), 591-604.

https://bit.ly/3KukMUO

Hoffmann, E. A. (2007). Open-ended interviews, power, and emotional labor. *Journal of contemporary ethnography*, *36*(3), 318-346.

https://bit.ly/3ZZjirh

Hunter, R. (2006). Narratives of domestic violence. *Sydney L. Rev.*, *28*, 733.

https://bit.ly/4123ipF

Hussain, M. (2006). Take my riches, give me justice: A contextual analysis of Pakistan's honor crimes legislation. *Harv. JL & Gender*, *29*, 223.

https://bit.ly/43BE0AG

Jatoi, B. The Punjab protection of women against violence Act 2016: A critique.

https://bit.ly/3KRXlGg

Kausar, R. (2017). Domestic violence against women in Pakistan: A review of empirical studies. *Pakistan Journal of Women"s Studies: Alam-e-Niswan*, 24(2), 45-63.

Kelly, L. (1987). The continuum of sexual violence. In J. Hanmer & M. Maynard (Eds.), Women, Violence and Social Control (pp. 46–60). *Palgrave Macmillan UK*.

https://bit.ly/3zOZgF8

Kelly, L. (1988). Surviving Sexual Violence. *Polity Press*.

Khan, R., Rehan, N., Qayyum, K., & Khan, A. (2018). Gender-based violence among women of reproductive age in Pakistan: a population-based study

Khursheed, M, S. (2016). The Punjab Protection of Women against Violence Act 2016: A Legislative Review, 3 *LUMS L.J*. 100.

Kidwai, R. (2001). Domestic violence in Pakistan: The role of patriarchy, gender roles, the culture of honor and objectification/commodification of women. *Alliant International University, Los Angeles*.

Lerner, Gerda (1986). The creation of patriarchy. *New York: Oxford University Press*. pp. 238–239.

Lewis, R., Dobash, R. P., Dobash, R. E., & Cavanagh, K. (2000). Protection, prevention, rehabilitation or justice? Women"s use of the law to challenge domestic violence. *International Review of Victimology*, *7*(1-3), 179-205.

MacKinnon, C. (1989). Toward a Feminist Theory of the State, *Cambridge, MA: Harvard University Press*.

Mahmood, A., Rashid, U., & Nazir, T. (2015). Women in Pakistan: An exploration of select social, cultural, and political realities. Journal of International Women"s Studies, 16(3), 63-77.

Malik, A. (2022). Combatting gender based violence in Pakistan through feminist edutainment television. *South Asian Journal of Law, Policy, and Social Research, 1*(2).

Manjoo, R. (2012). The continuum of violence against women and the challenges of effective redress. *International Human Rights Law Review*, 1(1), 1–29.

McPhail, B.A., Busch, N.B., Kulkani, S., & Rice, G. (2007). An integrative feminist model: The evolving feminist perspective on intimate partner violence. *Violence against Women*, 13(8), 817-841.

Minow, M., 1991. Making all the difference: Inclusion, exclusion & American Law, *Cambridge: Harvard University Press*.

Montiel, Aimée Vega (2014). "Violence against women and media: Advancements and challenges of a research and political agenda". *UNESCO*.

Mumtaz, K. & Shaheed, F. (Eds.) (1987) . Women of Pakistan: Two steps forward, one step back.*London, United Kingdom: Zed Books*.

Mumtaz, K. & Shaheed, F. (Eds.) (1987). Women of Pakistan: Two steps forward, one step back. *London, United Kingdom: 2ed books*

Munshey, M. (2016). The Punjab women's protection Act: An ideological battle. *LSE*. http://eprints.lse.ac.uk/74754/1/blogs.lse.ac.uk-The%20Punjab%20Womens%20Protection%20Act%20An%20ideological%20battle.pdf

Mushtaq, A. Razzaq, M & Omar, S. (2013). Constitutional and legal rights of women in Pakistan. *Woman in Aid Trust.*

Myhill, A., & Allen, J. (2002). Rape and sexual assault on women: The extent and nature of the Problem. *London: Home Office*.

Nabeel, F. Afzal Qamar, K. & Malik, B. (2016). Punjab protection law 2016. *CSCR*. https://cscr.pk/pdf/rb/PPWVA2016.pdf

Pakeeza, S. (2015). Domestic violence laws and practices in Pakistan. *VFAST Transactions on Education and Social Sciences*, *6*(1).

Poppe P. (1999) Partnerships with the media to prevent domestic violence, in too close to home: *Domestic Violence in the Americas". Washington DC: InterAmerican Development Bank.*

Punjab Women Protection Authority. (n.d.)

Pyles, L., & Postmus, J.L. (2004). Addressing the problem of domestic violence: How far have we come? *Affilia*, 19(4), 376-388

Quora. (n.d). *How do we interpret law when the law is silent on a specific matter?* https://www.quora.com/How-do-we-interpret-law-when-the-law-is-silent-on-a-specific-matter

Qureshi, S. (2012). Legislative initiative in the area of domestic violence in Pakistan: Gender approach to the core provisions of the domestic violence (Prevention and Protection) Act 2009. *Pakistan Vision*, *13*(2), 200.

Rhode, D. 1989. Justice and Gender, *Cambridge, MA: Harvard University Press*.

Roshana. (2022), Divorce: A taboo in Pakistan. https://mos.org.pk/divorce-a-taboo-in-pakistan/

Rubin, E. L. (1997). Law and the methodology of law. *Wisconsin Law Review*, 1997(3), 521-566.

Scheper-Hughes, N., Philippe, B. (Eds.), 2004. Violence in war and peace, an Anthology. *Blackwell, Oxford.*

Shaheed, F. (1991). The cultural articulation of patriarchy. In F. Zafar (Ed.). Finding our way: Readings on women in Pakistan, (pp. 135-158). *Lahore, Pakistan: ASR Publications.*

Shalhoub-Kevorkian, N. (2003). Reexamining femicide: Breaking the silence and crossing "scientific" borders. *Signs: Journal of Women in Culture and Society*, *28*(2), 581-608.

Smart, C. (1995). Law, crime and sexuality: Essays in feminism. *Sage; London.*

Stacey, Judith. (1991). Can there be a feminist ethnography? In Sherna Gluck & Daphne Patai (Eds.), Womens words: The feminist practice of oral history (pp. 111–119). *New York: Routledge*.

Stark, E. (2007). Coercive control: How men entrap women in personal life. *Oxford: Oxford University Press.*

Stark, E. (2010). Do violent acts equal abuse? *Sex Roles*, 62, 201–211.

Stark, E. (2013). From domestic violence to coercive control. In: Lombard & Mcmillan. Violence against women: Current theory and practice in domestic abuse sexual violence and exploitation. *London: Jessica Kingsley Publishers*, pp. 17-32

Stark, Evan 2009, "Rethinking coercive control", *Violence Against Women*, vol. 15, no. 2, pp. 1509-25

Tracy, S. R. (2007). Patriarchy and domestic violence: Challenging common misconceptions. *Journal-Evangelical Theological Society*, *50*(3), 573.

United Nations. (n.d.). *What Is Domestic Abuse?* https://www.un.org/en/coronavirus/what-is-domestic-abuse

VAWC. (2016). Punjab protection of women against violence Act, 2016. *VAWC*.

Walby, S., & Towers, J. (2018). Untangling the concept of coercive control: Theorizing domestic violent crime. *Criminology & criminal justice*, *18*(1), 7-28.

Walby, S., Towers, J., Balderston, S., Corradi, C., Francis, B., Heiskanen, M., & Strid, S. (2017). Different forms of violence. In The Concept and Measurement of Violence Against Women and Men (pp. 57-102). *Policy Press*.

Walby, Sylvia. (1989). "Theorising patriarchy". *Sociology*. **23** (2): p.213–234.

Watanabe, M. (2021, June 24). Building trust: Pakistan police address barriers to women's access to criminal justice. https://asiapacific.unwomen.org/. Retrieved February 10, 2023,from https://asiapacific.unwomen.org/en/news-and-events/stories/2021/06/pakistan-police-address-barriers-to-womens-access-to-criminal-justice

Wazir, M. M. K. (2010). Violence against women: Violation of right to life of women in FATA. *Pakistan Journal of Criminology*, *2*(2), 33-52.

White, J. (1982). Law as language: reading law and reading literature. *Texas Law Review*, 60(3), 415-446

Zafar, A., Ch, M. S., & Batool, Z. (2019). A sociological analysis of women protection rights against violence in Punjab, Pakistan.

Appendix 1:

THE PUNJAB PROTECTION OF WOMEN AGAINST VIOLENCE ACT 2016

(Act XVI of 2016)

C O N T E N T S

SECTION HEADING

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[1]THE PUNJAB PROTECTION OF WOMEN AGAINST VIOLENCE ACT 2016

(Act XVI of 2016)

[29 February 2016]

An Act to establish an effective system of protection, relief and rehabilitation of women against violence.

Since the Constitution of the Islamic Republic of Pakistan, while guaranteeing gender equality, enables the State to make any special provision for the protection of women, it is necessary to protect women against violence including domestic violence, to establish a protection system for effective service delivery to women victims and to create an enabling environment to encourage and facilitate women freely to play their desired role in the society, and to provide for ancillary matters;

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.– (1) This Act may be cited as the Punjab Protection of Women against Violence Act 2016.

(2) It extends to the whole of the Punjab.

(3) It shall come into force on such date as the Government may, by notification, specify and different dates may be so specified for various areas in the Punjab.

2. Definitions.– (1) In this Act:

(a) "aggrieved person" means a female who has been subjected to violence by a defendant;

[2][(aa) "Authority" means the Punjab Women Protection Authority established under section 3 of the Punjab Women Protection Authority Act 2017 (X of 2017);]

(b) "Committee" means a District Women Protection Committee established under the Act;

(c) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);

(d) "Court" means the Family Court established under the Family Courts Act, 1964 (XXXV of 1964);

(e) "dependent child" means a male child who is below the age of twelve years of age and includes any adopted, step or foster child;

(f) "[3][Deputy Commissioner]" means the [4][Deputy Commissioner] of the district;

(g) "District Women Protection Officer" means the District Women Protection Officer appointed under the Act;

(h) [5]["domestic violence" means the violence committed by the defendant with whom the aggrieved person is living or has lived in a house or visits the house when they are related to each other by consanguinity, marriage, adoption or in terms of employment;]

(i) "Government" means Government of the Punjab;

(j) "house" includes a place where the aggrieved person lives in a domestic relationship irrespective of right to ownership or possession of the aggrieved person, defendant or joint family[6][, or lives or visits such place as a domestic worker];

(k) "prescribed" means prescribed by rules made under the Act;

(l) "Protection Centre" means a Violence against Women Centre established [7][or declared] under the Act;

(m) "protection system" means the protection system constituted under the Act and includes a Committee, a Protection Centre and a shelter home established under the Act;

(n) "defendant" means a person against whom relief has been sought by the aggrieved person;

(o) "resident" means a woman residing in a shelter home or a dependent child of such woman residing with her in the shelter home or a child residing in a shelter home;

(p) "rules" means the rules made under the Act;

[8][(pp) "Secretary" means Secretary to the Government, Social Welfare and Bait-ul-Maal Department;]

(q) "shelter home" means a premises established or licensed by the Government under the Act to provide board and lodging and rehabilitation services to the aggrieved persons, other women and their children;

(r) "violence" means any offence committed against the human body of the aggrieved person including abetment of an offence, domestic violence, sexual violence, psychological abuse, economic abuse, stalking or a cybercrime;

Explanations.- In this clause:

(1) "economic abuse" means denial of food, clothing and shelter in a domestic relationship to the aggrieved person by the defendant in accordance with the defendant"s income or taking away the income of the aggrieved person without her consent by the defendant; and

(2) "psychological violence includes psychological deterioration of aggrieved person which may result in anorexia, suicide attempt or clinically proven depression resulting from defendant"s oppressive behaviour or limiting freedom of movement of the aggrieved person and that condition is certified by a panel of psychologists appointed by District Women Protection Committee; and

(s) "Women Protection Officer" means a Women Protection Officer appointed [9][or nominated] under the Act.

(2) A word or expression not defined in the Act shall have the same meaning as assigned to it in the Code or the Pakistan Penal Code, 1860 (XLV of 1860).

3. Measures for the implementation of the Act.– (1) The Government shall:

(a) institute a universal toll free dial-in-number for the aggrieved persons;

(b) establish Protection Centres and shelter homes under a phased programme;

(c) appoint necessary staff at a Protection Centre for mediation and reconciliation between the parties, rescue, medical examination, medical and psychological treatment and legal help of the aggrieved persons and proper investigation of offences committed against aggrieved persons;

(d) arrange for wide publicity of this Act and the protection system in Urdu and, if necessary, in local languages;

(e) institute a mechanism for the periodic sensitization and awareness of the concerned public servants about the issues involving women and the requirements of protection and relief of the aggrieved persons; and

(f) take other necessary measures to accomplish the objective of the Act.

(2) The Government shall establish a data-base and software for timely service delivery and monitoring and evaluation mechanism in the prescribed manner with a view to achieving the objectives of the Act and, where necessary, shall introduce necessary reforms for the purpose.

4. Complaint to Court.– (1) An aggrieved person, or a person authorized by the aggrieved person or the Women Protection Officer may submit a complaint for obtaining a protection, residence or monetary order in favour of the aggrieved person in the Court within whose jurisdiction:

(a) the aggrieved person resides or carries on business;
(b) the defendant resides or carries on business; or
(c) the aggrieved person and the defendant last resided together.

(2) The Court shall proceed with the complaint under this Act and the Court shall fix the first date of hearing which shall not be beyond seven days from the date of the receipt of the complaint by the Court.

(3) On receipt of the complaint, the Court shall issue a notice to the defendant calling upon him to show cause within seven days of the receipt of notice as to why any order under the Act may not be made and if the defendant fails to file a reply within the specified time, the Court, subject to service of the notice on the defendant, shall assume that the defendant has no plausible defense and proceed to pass any order under this Act.

(4) The Court shall finally decide the complaint within ninety days from the date of the receipt of the complaint, as nearly as possible, under Chapter *XXII* of the Code relating to the summary trials.

5. Right to reside in house - Notwithstanding anything contained in any other law, the aggrieved person, who is the victim of domestic violence:

(a) shall not be evicted, save in accordance with law, from the house without her consent or if wrongfully evicted, the Court shall restore the position maintaining before the eviction of the aggrieved person if the aggrieved person has right, title or beneficial interest in the house; or

(b) may choose to reside in the house, or in an alternative accommodation to be arranged by the defendant as per his financial resources, or in a shelter home.

6. Interim order.– (1) Pending proceedings under this Act, the Court may, at any stage of the complaint, pass such interim order as it deems just and proper.

(2) If the Court is satisfied that the complaint *prima facie* shows that the defendant has committed an act of violence or is likely to commit an act of violence, it may issue an order on the basis of an affidavit of the aggrieved person or any other material before the Court.

7. Protection order.– (1) If the Court is satisfied that any violence has been committed or is likely to be committed, the Court may pass a protection order in favour of the aggrieved person and direct the defendant:

(a) not to have any communication with the aggrieved person, with or without exceptions;

(b) stay away from the aggrieved person, with or without exceptions;
(c) stay at such distance from the aggrieved person as may, keeping in view the peculiar facts and circumstances of the case, be determined by the Court;
(d) wear ankle or wrist bracelet GPS tracker for any act of grave violence or likely grave violence which may endanger the life, dignity or reputation of the aggrieved person;
(e) move out of the house in case of an act of grave violence if the life, dignity or reputation of the aggrieved person is in danger;
(f) surrender any weapon or firearm which the defendant lawfully possesses or prohibit the defendant from purchasing a firearm or obtaining license of a firearm;
(g) refrain from aiding or abetting an act of violence;
(h) refrain from entering the place of employment of the aggrieved person or any other place frequently visited by the aggrieved person;
(i) refrain from causing violence to a dependent, other relative or any person who provides assistance to the aggrieved person against violence; or
(j) refrain from committing such other acts as may be specified in the protection order.

(2) The Court may issue one or more directions contained in subsection (1) even if the aggrieved person has not prayed for such direction and may, keeping in view the peculiar facts and circumstances of the case, specify the period for which the protection order shall remain operative.

(3) The Court may impose any additional conditions or pass any other direction which it may deem reasonably necessary to protect and provide for the safety of the aggrieved person or any dependent child of the aggrieved person.

(4) The Court may require the defendant to execute a bond, with or without sureties, for preventing the commission of violence.

(5) While making an order under this section or section 8, the Court may, pass an order directing the Women Protection Officer to provide protection to the aggrieved person or to assist the aggrieved person or the person making a complaint on behalf of the aggrieved person.

(6) The Court may direct the police to assist the Women Protection Officer in the implementation of the protection or residence order.

8. Residence order.– (1) The Court, in case of domestic violence, may in addition to any order under section 7, pass a residence order directing that:

(a) the aggrieved person shall not be evicted, save in accordance with law, from the house;
(b) the aggrieved person has the right to stay in the house;
(c) the aggrieved person may be relocated from the house to the shelter home for purposes of relief, protection and rehabilitation;

(d) the defendant shall deliver the possession of any property or documents to the aggrieved person to which the aggrieved person is entitled;

(e) the defendant or any relative of the defendant is restrained from entering the shelter home or place of employment or any other place frequently visited by the aggrieved person; or

(f) shall arrange an alternative accommodation for the aggrieved person or to pay rent for the alternative accommodation.

(2) The Court may, keeping in view the peculiar facts and circumstances of the case, issue one or more directions contained in subsection (1) even if the aggrieved person has not prayed for such direction and may specify the period for which the residence order shall remain in force.

(3) The Court shall have due regard to the financial needs and resources of the parties before passing any order having financial implications.

9. Monetary order.– (1) The Court may, at any stage of the trial of a case, pass an order directing the defendant to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and such relief may include:

(a) such compensation, as the Court may determine, to the aggrieved person for suffering as a consequence of economic abuse;

(b) loss of earning;

(c) medical expense;

(d) loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person to which the aggrieved person is entitled;

(e) payment of reasonable rent and meals for shelter provided to the aggrieved person and dependent children in a shelter home if the defendant is mandated by the law to provide shelter to the aggrieved person and dependent children; and

(f) reasonable maintenance for the aggrieved person and her dependent children, if any, in addition to an order of maintenance under family laws.

(2) The Court shall have due regard to the financial needs and resources of the parties before passing any order under subsection (1).

(3) The defendant shall pay monetary relief to the aggrieved person within the period specified in the order made under subsection (1).

(4) If the defendant fails to make payment within the period mentioned in the order, the Court shall direct the employer or debtor of the defendant, directly to pay the aggrieved person or to deposit with the Court a portion of the wages or debt due to or accrued to the credit of the defendant.

(5) The amount paid or deposited under subsection (4) shall be adjusted by the employer or debtor towards payment to the defendant.

(6) The Court may direct that the monetary relief payable or paid on account of shelter being provided in the shelter home shall be credited to the protection system.

10. Duration and alteration of orders.– (1) The interim order, protection order or residence order shall remain in force during the period specified by the Court.

(2) The Court may, keeping in view the circumstances and for reasons to be recorded in writing, alter or discharge any order made under this Act.

(3) The Court shall, on an application of the aggrieved person, discharge any order passed under the Act.

(4) Nothing in this section shall prevent an aggrieved person from making a fresh application after the previous interim, protection or residence order has been discharged.

11. District Women Protection Committee.– (1) The Government shall, by notification, constitute a District Women Protection Committee for each district.

(2) The Committee shall be headed by the [10][Deputy Commissioner] of the district and shall, subject to subsection (3), consist of the following members:

(a) [11][Chief Executive Officer, District Health Authority];

(b) [12][a representative of the Local Government and Community Development Department of the Government];

(c) a representative of the head of District Police;

(d) [13][Deputy Director] Social Welfare;

(e) District Public Prosecutor; and

(f) District Women Protection Officer (Secretary).

(3) The [14][Authority] shall nominate four non-official members of each District Women Protection Committee from amongst civil society and philanthropists who are residents of the district.

(4) A member, including a co-opted member of the Committee, shall not be entitled to any remuneration or fee or any other charges or facilities for services rendered under the Act.

(5) The [15][Authority] shall nominate the Vice Chairperson of the Committee from amongst the non-official members.

(6) The Committee shall hold at least one meeting in every three months and shall regulate its procedure.

(7) The [16][Authority] may, at any time, remove a non-official member on charges of misconduct, disinterest, exploitation or misuse of powers, or any other act which is detrimental to the objectives of the Act.

12. Functions of the Committee.– (1) The Committee shall:

(a) supervise the working of the Protection Centre, shelter home and toll free helpline and take necessary steps to improve the services;
(b) ensure uninterrupted functioning of the toll free dial-in-number of the Protection Centre and high quality response and services at the Protection Centre and, for the purpose, shall arrange training for the concerned employees;
(c) develop liaison with other departments and agencies in the district enabling the Protection Centre and shelter home best to perform the task of protection of women;
(d) try mediation and reconciliation between the parties for resolution of disputes under this Act;
(e) ensure that the cases of violence registered in any of police station of the district are referred to the Protection Centre for medical examination, collection of forensics and investigation and until the Protection Centre is established in the district, shall make standing arrangements for shifting of the aggrieved person, with her consent, to the nearest Protection Centre;
(f) approve annual plan of action for the Protection Centre and shelter home;
(g) discuss problems being faced by the Protection Centre and shelter home and find possible solution of the problems;
(h) monitor and evaluate working of the Protection Centre and shelter home;
(i) enlist women volunteers and women volunteer organizations in the district and assign roles under this Act to such volunteers and organizations;
(j) suggest measures for better protection of women or improvement in the protection system to the Government;
(k) ensure minimum standards, code of conduct and standard operating procedures to be followed by the employees of the protection system;
(l) approve annual report about physical targets, activities and gaps of the protection system in the district for submission to the Government; and

(m) perform such other functions as may be assigned to it by the [17][Authority] and as are ancillary to any of the above functions or necessary to accomplish the objectives of the Act.

(2) The Committee may accept donations such as land, vehicles, equipment or money for the facilitation of the functioning of the protection system and all such donations shall be used, maintained and disposed of by the Committee in the prescribed manner.

(3) The [18][Secretary] may delegate any of the functions of the Committee to the [19][Deputy Commissioner] subject to such terms and conditions as the Government may determine.

13. Protection Centres and shelter homes.– (1) The Government shall establish Protection Centres through a phased programme for protection of the aggrieved persons.

(2) A Protection Centre shall:

(a) be a converging point for all essential services to ensure justice delivery including police reporting, registration of criminal cases, medical examination, collection of forensic and other evidence;
(b) register the cases of violence and facilitate medical examination, collection of forensic and other evidence and proper prosecution of the cases;
(c) provide first aid relief to an aggrieved person;
(d) collect and assist to collect evidence within twenty four hours to facilitate investigation and effective prosecution;
(e) provide immediate protection to an aggrieved person;
(f) establish an effective system for the receipt and disposal of the complaints within the time mentioned in the operating procedures;
(g) maintain an effective system of mediation and reconciliation for resolution of disputes under this Act;
(h) register information against the perpetrators of violence;
(i) initiate cases of state-inflicted violence, if any, against women;
(j) maintain audio-visual record of all actions carried out under the Act;
(k) provide or arrange to provide legal aid to an aggrieved person;
(l) provide psychological counseling to an aggrieved person;
(m) mediate between an aggrieved person and the defendant for resolution of disputes under the Act; and
(n) act as a community centre to guide women in all Government related inquiries.

(3) The Government shall, through a phased programme, establish a shelter home in each district or for a local area within a district, for board and lodging of the aggrieved persons and needy women and provision of social and rehabilitative services to the residents.

(4) A shelter home shall:

(a) provide shelter and other allied facilities to an aggrieved person or other needy women along with dependent children;
(b) provide, with the consent of the resident, rehabilitation services to reintegrate residents with their families and society where necessary;
(c) refer the case of a resident to the appropriate authority or body for redressal of her grievance and regularly monitor provision of services to the residents;
(d) arrange for technical and vocational training of the residents;
(e) provide legal, medical, emotional support, guidance and psychological counseling to the residents;
(f) repatriate or rehabilitate the residents in the shortest possible time;
(g) maintain discipline and regulate visitation and timings; and
(h) perform any other prescribed function or a function assigned to it by the Committee for purposes of protection of women, children and vulnerable persons.

(5) Subject to general or special direction of the Committee, a male child who is not a dependent child shall not be admitted in the shelter home and instead may be referred to the Child Protection and Welfare Bureau for provision of shelter, board and lodging, education and training.

[20][(6) Where a Protection Centre or shelter home is not established under this section, the Secretary may, subject to such terms and conditions as he may determine, declare any existing Government facility, centre or institution providing similar services as Protection Centre or shelter home for purposes of this Act.

(7) Where any existing facility, centre or institution is declared as Protection Centre or shelter home under subsection (6), the infra-structure, paraphernalia, assets and the employees of such facility, centre or institution shall remain under the administrative control of the Social Welfare and Bait-ul-Maal Department of the Government:

provided that the service structure and terms and conditions of service of the employees of such facility, centre or institution shall continue to be governed under the law, rules and policies applicable to them for the time being in force.]

14. Women Protection Officer.– (1) The Government shall, by notification, appoint a District Women Protection Officer for a district and Women Protection Officers[21][:

provided that where the District Women Protection Officers or Women Protection Officers are not appointed under this section, the Secretary may, subject to such terms and conditions as he may determine, by notification in the official Gazette nominate any officer of the Social Welfare and Bait-ul-Maal Department of the Government to perform the functions of the District Women Protection Officers or Women Protection Officers under this Act.]

(2) Subject to general supervision of the Committee, a District Women Protection Officer shall:

(a) supervise and coordinate the protection system in the district;

(b) maintain liaison, supervise, plan, implement, monitor and periodically evaluate the protection system in the district;

(c) be responsible for training of the staff, reporting and documentation of the protection system in the district;

(d) provide counselling services to the aggrieved persons in the Protection Centre and shelter home;

(e) approve a rescue operation for rescuing an aggrieved person;

(f) file a habeas corpus case on the basis of any credible information of wrongful confinement of an aggrieved person;

(g) set specific, measureable, achievable and relevant targets for the protection system to be achieved in the specified time;

(h) ensure achievement of targets and submit compliance report in every meeting of the Committee; and

(i) prepare an annual report about targets, activities and gaps of the protection system.

(3) Subject to the supervision of the District Women Protection Officer, a Women Protection Officer shall:

(a) assist the District Women Protection Officer in the performance of her functions;

(b) respond to the calls or queries of women on internet or toll free dial-in-number of the Protection Centre;

(c) rescue an aggrieved person and, subject to this Act, admit her and her dependent children or other family members, if necessary, in the shelter home;

(d) direct the defendant to immediately move out of the house for a period not exceeding forty eight hours in order to protect life, dignity or reputation of the aggrieved person;

(e) approve admission of a woman or any other person in the shelter home in accordance with the provision of this Act and the rules governing the shelter home;

(f) provide counseling services on phone or, where necessary, by visiting an aggrieved person; and

(g) supervise working of officials of the shelter home.

(4) The District Women Protection Officer may perform any function of a Women Protection Officer and, in the absence of the District Women Protection

Officer owing to any cause, the senior-most Women Protection Officer shall perform the functions of the District Women Protection Officer.

15. Power to enter.– (1) The District Women Protection Officer or a Women Protection Officer, at any time, enter in any place or house for the purpose of rescuing an aggrieved person but such officer or official shall not rescue the aggrieved person without her consent.

(2) The District Women Protection Officer or a Women Protection Officer shall give reasonable notice to the incharge of the place or house before entering and the incharge shall allow free access and afford all reasonable facilities to meet a woman residing or kept in the place or house.

(3) If access to such place or house cannot be obtained under sub-section (2), it shall be lawful for the District Women Protection Officer or a Women Protection Officer to enter such place or house in collaboration with district authorities including police and to meet an aggrieved person residing or kept in the place or house, and in order to effect an entrance into such place or house, to force her entry into the house or place.

(4) If the District Women Protection Officer or a Women Protection Officer who enters a place or house under this Act is detained in the house or place, she may force her exit from any house or place.

(5) Notwithstanding anything contained in this section, the powers of entry in a house or place of abode of a woman shall only be exercised by a female officer of the protection system.

16. Assistance on request.– (1) The District Women Protection Officer or a Women Protection Officer shall provide all reasonable assistance to an aggrieved person or to any other woman who needs such assistance in accordance with the provisions of this Act.

(2) The District Women Protection Officer or a Women Protection Officer may provide or offer to provide assistance under the Act on the request of the aggrieved person or on information or complaint received from any corner in collaboration with district authorities including police.

(3) Nothing in this Act shall be construed to provide assistance to an aggrieved person when the woman or aggrieved person has voluntarily refused to accept such assistance.

17. Assistance to officers.– (1) For protection of an aggrieved person, the designated police officer, agency or local government shall be bound to assist the

District Women Protection Officer or the Women Protection Officer in the performance of their functions under the Act.

(2) In the performance of their functions under the Act, the District Women Protection Committee may call for any information from any agency of the Government or a local government in the district and such agency or local government shall be bound to provide the requisite information.

18. Penalty for obstructing a Protection Officer.– Any person, who obstructs the District Woman Protection Officer or a Woman Protection Officer in the performance of the duties under this Act, shall be liable to imprisonment for a term which may extend to six months or fine which may extend five hundred thousand rupees or both.

19. Penalty for filing false complaint.– A person, who gives false information about the commission of violence which that person knows or has reason to believe to be false, shall be liable to punishment of imprisonment for a term which may extend to three months or fine which may extend to one hundred thousand rupees but which shall not be less than fifty thousand rupees or both.

20. Penalty for breach of orders.– (1) A defendant, who commits breach of an interim order, protection order, residence order or monetary order, or illegally interferes with the working of the GPS tracker, shall be punished with imprisonment for a term which may extend to one year or fine which may extend to two hundred thousand rupees but which shall not be less than fifty thousand rupees or both.

(2) A defendant, who violates the interim order, protection order, residence order or monetary order more than once, shall be liable to punishment which may extend to two years but which shall not be less than one year and to fine which may extend to five hundred thousand rupees but which shall not be less than one hundred thousand rupees.

21. Cognizance and summary trial.– (1) The Court shall not take cognizance of an offence under this Act except on a complaint of the District Women Protection Officer or a Woman Protection Officer acting on behalf of the District Women Protection Officer.

(2) The Court shall conduct the trial of an offence under this Act in accordance with the provisions of Chapter *XXII* of the Code relating to the summary trials.

22. Appeal.– (1) A person aggrieved from an interim order, protection order, residence order, monetary order or sentence of the Court may, within thirty days of the communication of the order or sentence, prefer an appeal to the court of sessions which shall decide the appeal within sixty days from the date of receipt of the appeal.

(2) The decision of the court of sessions on an appeal under subsection (1) shall be final and shall not be called in question in any other court or forum except as provided under this Act.

23. Right to information.- (1) Subject to subsection (2), the Government shall, within seven days of acquiring any information pertaining to violence against the aggrieved person shall publish the details of the case and the steps taken for the protection of the aggrieved person, on its website accessible to the public free of cost.

(2) The Government may, for reasons to be recorded in writing, not publish any information, wholly or partially:

(a) to ensure the safety, security, privacy and dignity of a woman or an aggrieved person;

(b) to protect national security or to maintain public order;

(c) to prevent any prejudice to the investigation of a case; or

(d) to protect the identity of an officer or official where such protection is necessary for the safety and security of such officer or official.

24. Certain persons to be public servants.- Every person engaged in, or employed for, the administration of this Act shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

25. Performance audit.- (1) The [22][Authority] shall conduct or cause to be conducted the performance audit of the protection system of a district on periodic basis under the Act.

(2) The performance audit shall include the details of quality of services provided by the protection system, the targets to achieve the purposes of the Act and the identification of weaknesses and recommendations for future improvements.

26. Act not in derogation of other laws.- Save as otherwise provided in the Act, the provisions of the Act are in addition to and not in derogation of any other law.

27. Training.- The [23][Authority] shall, at regular intervals, arrange training of the District Women Protection Officers, Women Protection Officers and other employees of the protection system for achieving the purpose of the Act.

28. Annual report.— [24][(1) The Authority shall, within three months of the close of a financial year, submit to Secretary an annual report relating to the affairs and efficacy of the protection system, and the Secretary shall cause the report to be laid before Provincial Assembly of the Punjab.]

(2) The annual report shall consist of:

(a) details of the services provided by the protection system along with a comprehensive statement of the rescue operations of the protection system during the preceding financial year;

(b) reasons for delay, if any, in reaching the aggrieved person in need of help of the protection system and proposed solutions;

(c) performance audit report, if any, of one or more protection system;

(d) suggestions and recommendations for further reforms of the protection system for purposes of improving the service delivery; and

(e) other matters considered appropriate by the Government or as may be prescribed.

29. Rules.– (1) The Government shall, after previous publication and by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the powers conferred under subsection (1), the Government shall [25][* * * * * * *] make the rules relating to:

(a) establishment of monitoring and evaluation mechanism of the protection system;
(b) universal toll free dial-in-number of the protection system;
(c) regulation of meetings of the Committees;
(d) women volunteers and women volunteer organizations;
(e) use, maintenance and disposal of land, vehicle, equipment and other items or money donated to a Protection Centre or shelter home;
(f) details of medical, legal and psychological assistance, and shelter facilities;
(g) repatriation or rehabilitation of residents;
(h) maintenance of records and publication of information under the Act; and
(i) regulation of affairs of the of Protection Centres and shelter homes.

30. Immunity.– No suit, prosecution or other legal proceedings shall lie against the Government, any officer of the Government, a Committee, convener or any member of a Committee, District Women Protection Officer, Women Protection Officer or official of a protection system for anything which is done in good faith under this Act or the rules.

31. Power to remove difficulties.– The Government may, within two years of the commencement of this Act and by notification, make such provisions, not inconsistent with this Act, as may appear necessary for removing any difficulty or giving effect to the provisions of the Act.

Appendix 2

SCHEDULE

[SEE SECTION 5]

[PART I]

1. Dissolution of marriage 1 [including Khula].

2. Dower.

3. Maintenance.

4. Restitution of conjugal rights.

5. Custody of children, 1 [and the visitation rights of parents to meet them].

6. Guardianship.

"6A. Matters pertaining to Return of Child under the Hague Convention on Civil Aspects of International Child Abduction, 1980."]

7. Jactitation of marriage.]

8. Dowry.] [

9. The personal property and belongings of a wife and a child living with his mother.

10. Any other matter arising out of the Nikahnama.]

Appendix 3

Domestic Violence And Women Resistance Towards Legal Remedies In Pakistan

Project Description: In this research project, I will be investigating why women in Pakistan resist legal remedies in the events of domestic violence and whether, the Pakistani law protects women in cases of domestic violence. I hypothesize that a lack of legal implementation and flawed laws are not the only reasons for increasing cases of domestic violence in Pakistan, but social, cultural, and religious barriers also lead women to resist seeking legal remedies.

Context: Domestic violence is considered gender-based by various world organizations, as most of the victims are females. Pakistan is administratively divided into seven units, Islamabad (The capital of the country), Punjab, Sindh, Baluchistan, Khyber Pakhtoon Khaw (KPK), Gilgit Baltistan, and Azad Kashmir. In recent years, the Pakistani government has struggled to pass a law protecting women against domestic violence. The Bill is still pending approval in the Senate (upper house of parliament). Despite the failure of the federal capital (Islamabad) to pass a unanimous law on the issue, the domestic violence prevention and protection Act 2013 was the first enacted law by the provincial government of Sindh. Later provinces of Punjab and Baluchistan also passed legislations to protect women from domestic violence. Among these are the Punjab protection of women against violence Act of 2016 and the Baluchistan domestic violence prevention and protection Act 2014. The other two provinces, KPK, and Gilgit Baltistan, are still struggling to pass any laws on the issue of domestic violence. For the purpose of this research and analysis, I will focus only on the enacted law by the province of Punjab, titled, the Punjab protection of women against violence Act of 2016. Although the research's focus is limited to analysis of the domestic law enacted by Punjab, the participants of my study will be from across Pakistan.

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